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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 17th December, 1957 :—

Issue No.	No. and date	Issued by	Subject
585	S.R.O. 3987, dated the 14th December, 1957.	Ministry of Home Affairs	Sales tax shall not be payable by dealers in the Union territory of Delhi in respect of goods specified therein.
	S.R.O. 3988, dated the 14th December, 1957.	Ditto.	Amendment to the Second Schedule to the Bengal Finance (Sales Tax) Act, 1941.
	S.R.O. 3989, dated the 14th December, 1957.	Ministry of Finance	Exemption of all varieties of cotton fabrics, rayon or artificial silk fabrics, woollen fabrics, sugar and tobacco from the additional excise duty.
	S.R.O. 3990, dated the 14th December, 1957.	Ditto.	Fixation of the rates of additional excise duty per shift per power-loom in the manufacture of cotton fabrics.
	S.R.O. 3991, dated the 14th December, 1957.	Ditto.	Fixation of the rates of additional excise duty per shift per power-loom in the manufacture of rayon or artificial silk fabrics.
	S.R.O. 3992, dated the 14th December, 1957.	Ditto.	Fixation of the rates of additional excise duty per shift per warp Knitting machine in the manufacture of rayon or artificial silk fabrics.
	S.R.O. 3993, dated the 14th December, 1957.	Ditto.	Exemption of Palmyra sugar from additional excise duty.
	S.R.O. 3994, dated the 14th December, 1957.	Ditto.	Exemption of certain types of flue-cured tobacco from the additional excise duty.
	S.R.O. 3995, dated the 14th December, 1957.	Ditto.	Exemption of unmanufactured tobacco from the additional excise duty.

Issue No.	No. and date	Issued by	Subject
	S.R.O. 3996, dated the 14th December, 1957.	Ministry of Finance.	Certain notifications will apply <i>mutatis mutandis</i> to the grant of rebate of additional excise duty.
	S.R.O. 3997, dated the 14th December, 1957.	Ditto.	Amendment made in the notification No. CER-8(22)/56-Central Excises, dated the 1st September 1956.
	S.R.O. 3998, dated the 14th December, 1957.	Ditto.	The Central Government rescinds the notification No. CER 8(30)/56-Central Excises, dated the 5th January 1957.
586	S.R.O. 3999, dated the 14th December, 1957.	Ditto.	A drawback allowed in respect of duty paid foreign nylon guts used in the manufacture of and badminton rackets.
	S.R.O. 4000, dated the 14th December, 1957.	Ditto.	The Customs Duties Drawback (Badminton and Tennis Rackets) Rules, 1957.
	S.R.O. 4001, dated the 14th December, 1957.	Ditto.	Draft amendment to be made in the Customs Duties Drawback (Dichromates) Rules, 1957.
587	S.R.O. 4002, dated the 14th December, 1957.	Ditto.	Exemption of certain articles when imported, from so much of customs duty leviable thereon.
588	S.R.O. 4003, dated the 16th December, 1957.	Ditto.	A drawback allowed in respect of duty paid imported manila and sulphite paper, writing paper or printing paper used in the manufacture of paper products.
	S.R.O. 4004, dated the 16th December, 1957.	Ditto.	The Customs Duties Drawback (Paper Products) Rules, 1957.
589	S.R.O. 4005, dated the 16th December, 1957.	Ministry of Commerce & Industry.	Amendments made in the by-laws of the Bombay Oilseeds and Oils Exchange Ltd., Bombay.
590	S.R.O. 4006, dated the 17th December, 1957.	Election Commission, India.	Election to fill a vacancy in the House of the People of the seat of a member for the Jalna Parliamentary Constituency in the State of Bombay.
	S.R.O. 4007, dated the 17th December, 1957.	Ditto.	Appointment of dates in respect of bye-election to be held in the Jalna Parliamentary constituency.
	S.R.O. 4008, dated the 17th December, 1957.	Ditto.	Fixation of the hours during which the poll shall be taken in the bye-election to be held in the Jalna Parliamentary constituency.

Issue No.	No. and date	Issued by	Subject
591	S.R.O. 4008-A, dated the 17th December, 1957.	Ministry of Railways.	Appointment of Claims Commissioner to deal with all claims for compensation arising out of accident to 1 Dn. Bombay-Calcutta Mail.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publication, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners)

ELECTION COMMISSION, INDIA

New Delhi, the 14th December 1957

S.R.O. 4088.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. KL-P/163/57(126) dated the 23rd September, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Padmaprabha Goundan, Maniyankote, P.O. Kalpetta, Wynad.

[No. KL-P/163/57(126R)/14117.]

S.R.O. 4089.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. BR-P/86/57(170) dated the 1st October, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Banerjee Smarjit, 150, Dhalbhim Road, Sakchi, Jamshedpur.

[No. BR-P/86/57(170 R)/14144.]

S.R.O. 4090.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. MD-P/210/57(127) dated the 23rd September, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri C. M. Srinivasan, No. 2, Sadasiva Iyer Street, Gopalapuram, Madras-6.

[No. MD-P/210/57(127 R)/14138.]

New Delhi, the 19th December 1957

S.R.O. 4091.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Madhya Pradesh, hereby nominates Shri Y. N. Bharadwaj, *ex-officio* Additional Secretary in the Law Department, Government of Madhya Pradesh, as the Chief Electoral Officer for that State with effect from the 3rd December, 1957.

[No. 154/6/57.]

New Delhi-2, the 21st December 1957

S.R.O. 4092.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. MY-P/244/57(161), dated the 23rd September, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Venkata Rao, M.A., K-23, Kankapura Road, Basavanagudi, Bangalore-4.

[No. MY-P/244/57(161-R)/7620.]

CORRIGENDUM

New Delhi, the 18th December 1957

S.R.O. 4093.—In column 1 of the Schedule appended to the Commission's notification No. MP-P/187/57(78), dated the 26th August, 1957, published in the Gazette of India, Part II Section 3, dated the September 14, 1957/Bhadra 23, 1879, for "Shivadhin Tiwari, Akaltara, (Bilaspur)" read "Shivadhin, Akaltara, (Bilaspur)".

[No. MP-P/187/57(78).]

By Order,

A. KRISHNASWAMY AIYANGAR, Secy.

LOK SABHA SECRETARIAT

New Delhi, the 19th December 1957

S.R.O. 4094.—In exercise of the powers conferred by rule 20 of the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1955, the Speaker, after consultation with the Ministry of Finance, hereby makes the following amendment in the Lok Sabha Secretariat (Temporary Service) Rules, 1957, namely:—

In the said Rules, after the second proviso to rule 6, the following further proviso shall be added:—

"Provided further that when the services of a quasi-permanent officer are terminated under clause (ii), he shall be given three months' notice and if, in any case, such notice is not given, then, with the sanction of the authority competent to terminate the services of such officer, a sum not exceeding his pay plus allowances for the period by which the notice actually given to him falls short of three months, may be paid to him, and, if he is entitled to any gratuity, such gratuity shall not be paid for the period in respect of which he receives a sum in lieu of notice; the compensatory (City) and House Rent allowances, where admissible shall be payable on the expiry of the period of notice and after it is certified by the competent authority that the officer continued to reside during that period at the station where he was last employed, notwithstanding the fact that he was not expected to return to duty at that station."

[No. F. 1(16)-SD/56.]

M. N. KAUL, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 17th December 1957

S.R.O. 4095.—In pursuance of clause (1) of article 239 of the Constitution and in partial modification of the notifications of the Government of India in the late Home Department No. F.126/37-Pub., dated the 1st April 1937, the late Ministry of States S.R.O. 460 dated the 24th August 1950 and the Ministry of Home Affairs S.R.O. 2536, dated the 1st November 1956, the President hereby directs that the administrator of every Union territory shall, in respect of that

territory and subject to the control of the President, also exercise the powers and discharge the functions of the Central Government under the Explanation to section 25 of the Negotiable Instruments Act, 1881 (26 of 1881).

[No. F.2/6/57-J.II.]

New Delhi-2, the 18th December 1957

S.R.O. 4096.—In exercise of the powers conferred by sub-section (2) of section 6 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal Act VI of 1941) as extended to the Union territory of Delhi, the Central Government hereby gives three months notice of its intention to omit the following from item 35 of the Second Schedule to the said Act, namely:—

“Aviation Spirit”.

[No. 7/9/57-Judl.II.]

M. P. RODRIGUES, Under Secy.

MINISTRY OF FINANCE

New Delhi, the 18th December 1957

S.R.O. 4097.—In exercise of the powers conferred by Rule 17 of the Income-tax Allowances (Current profits deposit) Rules, 1957, made under sub-section (2C) of section 10 of the Income-tax Act, 1922 (11 of 1922) and in supersession of its earlier Notification No. 91 dated 17th September, 1957, the Central Government hereby appoints Shri B. K. Madan, Principal Adviser, Department of Research and Statistics, Reserve Bank of India, Bombay as Member of the Board of Referees, *vice* Shri J. J. Anjaria.

The above order shall take effect from 1st January, 1958, until further orders.

[No. 120].

N. H. NAQVI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 19th December 1957

S.R.O. 4098.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949) and Rule 16 of the Banking Companies Rules, 1949 the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of,—

(i) Part II [except sub-section (2) of section 27 and section 28] and Part III of the said Act, and

(ii) all the said Banking Companies Rules [except Rules 1, 2, 3(4), 4(1)(i)(a), 4(1)(ii), 4(2) and 16 thereof],

shall not apply to the Grindlays Bank Ltd., for a period of two years commencing from the 1st January, 1958.

[No. 4(57)-F.I/57.]

R. K. SESHADRI, Dy. Secy.

(Department of Economic Affairs)

CORRIGENDUM

New Delhi-2, the 19th December 1957

S.R.O. 4099.—The following corrections may be carried out in the Ministry of Finance, Department of Economic Affairs, Notification No. S.R.O. 3574, dated the 2nd November, 1957, published in Part II, Section 3 of the Gazette of India dated the 9th November, 1957:—

(i) In line 8 of amendment No. (3) relating to sub-rule (2) of rule 24B read “preceding” for “preceeding”.

(ii) In amendment No. (4) relating to Forms insert “V-PA” after the words “the following Forms V-P.”

(iii) In the heading given for “Form V-P” insert “AN” after the words “TO ACT AS”.

(iv) In clause (iii) of para 2 of Form “V-P” for the words “criminal misappropriation or criminal breach of”, substitute the words “or to have knowingly participated in or connived at”.

(v) In sub-clause (ii) of sub-paragraph (3) of paragraph 3 of Form V-P, the word “a” may be inserted before the word “Company”.

- (vi) In the first line of Note 1 of the Notes to Form V-PA the words "to section" may be inserted before the words "104 of the Insurance Act, 1938".

[No. 2989-Ins(I)/57.]

S. SUNDARESAN, Under Secy.

(Department of Economic Affairs)

STOCK EXCHANGE DIVISION

CORRIGENDUM

New Delhi, the 24th December 1957.

S.R.O. 4099-A.—In the Government of India, Ministry of Finance, Department of Economic Affairs, Notification S.R.O. No. 3278, dated the 15th October, 1957, published at page 2501 of the Gazette of India, Extraordinary, Part II-Section 3, dated the 15th October, 1957, in the third line, for "Madras Stock Exchange Association Limited, Madras" read "Madras Stock Exchange Limited, Madras".

[No. 2/7/SE/EAD/57.]

J. S. SHARMA, Under Secy.

(Department of Revenue)

New Delhi, the 20th December 1957

MEDICINAL AND TOILET PREPARATIONS

S.R.O. 4100.—In exercise of the powers conferred by section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), the Central Government hereby makes the following further amendment in the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, namely:—

In the said Rules,

- (i) in item 3 of the Table subjoined to rule 83, for the words "Ayurvedic Preparations", the words "Ayurvedic or Unani Preparations containing self-generated alcohol" shall be substituted;
- (ii) in sub-item (i) of item 3 of the said table and in Form L-3, after the word "Ayurvedic" wherever it occurs the words "or Unani" shall be inserted.

[No. 19.]

S.R.O. 4101.—In exercise of the powers conferred by section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), the Central Government hereby makes the following further amendments in the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, namely:—

In the said Rules,

- in the Schedule, the letters or letters and figures "B.P.", "B.P.C.", "N.F. VI" and "I.P.L." wherever they occur against the Pharmacopoeial Preparations shall be omitted.

[No. 20.]

B. D. DESHMUKH, Dy. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 23rd December 1957

S.R.O. 4102.—In exercise of the powers conferred by sub-section (3) of section 4 of the Taxation on Income (Investigation Commission) Act, 1947, (XXX of 1947), the Central Government hereby extends the term of appointment of the Income-tax Investigation Commission up to the 31st December, 1958.

[No. 124(F. No. 74(32)-IT/57.)]

V. V. CHARI, Jt. Secy.

(Department of Revenue)

CUSTOMS

New Delhi, the 28th December 1957

S.R.O. 4103.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby exempts all articles imported into

India or the State of Pondicherry and intercepted and destroyed by Postal authorities by reason of the prohibition of their transmission by inland post, from the whole of the customs duty leviable thereon provided that the destruction of such articles has been certified by the Post Master at the place of import.

[No. 310.]

S.R.O. 4104.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Finance Department (Central Revenue) No. 33-Customs, dated the 22nd June, 1935, namely:—

In the said notification—

- (1) in Schedule I—Import Duties, under the head H—Miscellaneous, the entries relating to serial number 76 shall be omitted; and
- (2) in Schedule II—Export Duties, under the head B—Special, the entries relating to serial number 10 shall be omitted.

[No. 311.]

M. A. RANGASWAMY, Dy. Secy.

(Department of Revenue)

ORDER

STAMPS

New Delhi, the 19th December 1957

S.R.O. 4105.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the debentures of the value of Rs. 1 crore to be issued by the Punjab Financial Corporation are chargeable under the said Act.

[No. 35.]

M. PANCHAPPA, Under Secy.

CENTRAL EXCISE COLLECTORATE, DELHI

CORRIGENDA TO PUBLIC NOTICE

Delhi, the 17th December 1957

S.R.O. 4106.—In the public notice published under S.R.O. 1875, dated the 8th June, 1957 in the Gazette of India, Part II, Section 3, the following changes shall be made:—

- (i) In para 4 after the words "In case of other excisable goods," please add "except for electric fans and electric batteries".
- (ii) Renumber the existing para 4 as 4(a) and add new sub-para 4(b) as follows:—

"In respect of duty paid electric fans and batteries the temporary storage should not ordinarily exceed one month but the time limit in question may be extended to three months subject to the condition that the number of such fans and batteries so brought within the factory does not exceed at any time 0.1 per cent of the annual production of the manufacturer."

[No. C.IV(16)64/57/60673.]

R. PRASAD, Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, MYSORE AT BANGALORE

CENTRAL EXCISE

Bangalore, the 20th December 1957

S.R.O. 4107.—In pursuance of Rule 5 of the Central Excise Rules, 1944, I hereby empower Assistant Collectors to exercise within their respective jurisdictions the powers of "Collector" conferred by Rule 9 of the said Rules, subject

to the limitation that Account Currents shall be maintained in the name of the Collector by the Chief Accounts Officer.

[No. 1.]

D. N. KOHLI, Collector.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 16th December 1957

S.R.O. 4108.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue hereby makes the following further amendments to its notification S.R.O. 2023 No. 68 Income-tax dated the 15th June, 1957, namely:—

In the Schedule appended to the said notification under the Sub-head "VIII Delhi & Rajasthan" against—

(i) JAIPUR—In entry No. 1, the words, "excluding jurisdiction assigned to Appellate Assistant Commissioner of Income-tax, Kotah" shall be deleted.

(ii) KOTAH—Entries Nos. 4 and 5 shall be deleted and entries Nos. 6 & 7 shall be renumbered as 4 and 5.

Explanatory Note

NOTE.—The amendments have become necessary due to the revision of the jurisdiction of the Appellate Assistant Commissioners Ranges.

(This note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 119(F. No. 50/102/57-IT.)]

New Delhi, the 18th December 1957

S.R.O. 4109.—In exercise of the powers conferred by sub-section (6) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) the Central Board of Revenue hereby makes the following further amendments in the schedule appended to its notification S.R.O. 1214 (No. 44-Income-tax) dated the 1st July, 1952, namely:—

In the said schedule:—

(a) item 29 shall be deleted; and

(b) against item 58C, in the existing entry in column 2 after the words "Punjab", the following words shall be inserted; namely:—

"Himachal Pradesh, Nepal".

Explanatory Note

NOTE.—This amendment has become necessary as a result of centralisation of the assessments of a class of specified employees.

(This note does not form a part of the notification, but is merely intended to be clarificatory).

[No. 121 (F. No. 55/99/57-IT.)]

S.R.O. 4110.—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) the Central Board of Revenue hereby makes the following further amendments to its notification S.R.O. 2023 No. 68 dated the 15th June, 1957, namely:—

For the last paragraph of the said notification the following paragraph shall be substituted, namely:—

"Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, on and from the date of this

notification, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said circle, Ward or District or part thereof is transferred.

Explanatory Note

NOTE.—This amendment makes only verbal changes in the final paragraph of the notification.

(This note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 122 (F. No. 50/76/57-IT.)]

B. V. MUNDKUR, Under Secy.

ESTATE DUTY

New Delhi, the 17th December 1957

S.R.O. 4111.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of the Central Board of Revenue Notification No. 10/F.No. 21/7/55-E.D. dated the 1st February 1956, the Central Board of Revenue hereby directs that subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-E.D./21/52/57-E.D., dated the 5th September 1957, every Income-Tax Officer appointed to be an Assistant Controller and posted to the Estate Duty *cum*-Income-tax Circle Bangalore shall perform his function as Assistant Controller in the said Circle to the exclusion of all other Assistant Controllers in respect of the estates of all deceased persons who immediately before their death were being, or would have been assessed to Income-tax had they derived any taxable income, in the Income-tax Circles within the Ranges of the Inspecting Assistant Commissioner, Bangalore & Inspecting Assistant Commissioner, Dharwar.

[No. 16/F. No. 21/74/57-E.D.]

New Delhi, the 19th December 1957

S.R.O. 4112.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in supersession of its notification No. 11/F. No. 21/7/55-E.D., dated 1st February 1956, the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-E.D., dated 5th September 1957, every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty-*cum*-Income-tax Circle, Ernakulam and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the revenue districts of Trivandrum, Quilon, Alleppey, Kottayam, Trichur and Palghat.

2. This notification shall come into force with effect from 1st January 1958.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory).

This notification has become necessary due to the transfer of Coimbatore from the charge of the Controller of Estate Duty, Madras to the charge of the Controller of Estate Duty Kerala and to the redistribution of jurisdiction between the Estate Duty-*cum*-Income-tax Circle, Coimbatore and Ernakulam.

[No. 17/F. No. 21/81/57-E.D.]

S.R.O. 4113.—In exercise of the powers, conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of its notification No. 13/F. No. 21/7/55-E.D. dated 1st February, 1956, the Central Board of Revenue hereby directs that, subject to the pecuniary limits specified in the notification of the Central Board of Revenue No. 11-ED/21/52/57-E.D. dated 5th September, 1957 every Income-tax Officer appointed to be

an Assistant Controller and posted to the Estate Duty-cum-Income-tax Circle, Coimbatore and every Inspecting Assistant Commissioner of Income-tax appointed to be a Deputy Controller and exercising jurisdiction over the said Circle shall perform his functions as Assistant Controller and Deputy Controller respectively in the said Circle to the exclusion of all other Assistant Controllers or Deputy Controllers in respect of the estates of all deceased persons who immediately before their death were being or would have been assessed to income-tax had they derived any taxable income in any Income-tax Circle the headquarters of which lies within the Revenue Districts of Coimbatore, Kozhikode and Cannanore.

2. This notification shall come into force with effect from the 1st January 1958.

Explanatory Note

(This note is not part of the notification but is intended to be merely clarificatory.)

This notification has become necessary due to the transfer of Coimbatore from the charge of the Controller of Estate Duty, Madras to the charge of the Controller of Estate Duty, Kerala and to the redistributions of jurisdiction between the Estate Duty-cum-Income-tax Circle, Coimbatore and Ernakulam.

[No. 18/F.No.21/81/57-ED].

B. M. MITRA, Secy.

INCOME-TAX

New Delhi, the 23rd December 1957

S.R.O. 4114.—In exercise of the powers conferred by Section 59 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby directs that the following further amendment shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely:—

In the statement annexed to rule 8 of the said Rules, under the heading "III Machinery and Plant" in group B under sub-heading (2), after item (vii), the following item shall be inserted, namely:—

"(vii-a) Cycle Manufacturing Works."

Explanatory Note

(This note is not part of the amendment but is intended to be merely clarificatory.)

The object of this amendment is to provide for a uniform rate of depreciation allowance at 10 per cent. on plant and machinery used in the manufacture of cycles.

[No. 123 (F. No. 27(39)-I.T./57.)]

P. N. DAS GUPTA, Secy.

MINISTRY OF COMMERCE & INDUSTRY

New Delhi, the 28th December 1957

S.R.O. 4115.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 6 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), read with Article 33(ii) of the Articles of Association of the Adoni Groundnut-seeds and Oil Merchants Association Ltd. (hereinafter referred to as the Association), the Central Government hereby appoints Shri C. Radhakrishnadas, Inspecting Officer, Forward Markets Commission, Government of India, Bombay, as its representative on the Board of Directors of the Association and directs that the following amendment shall be made in the Government of India, Ministry of Commerce and Consumer Industries Notification No. S.R.O. 29 dated the 29th December, 1956, namely:—

In the said Notification, for column (2) of entry 1 in the Table, the following shall be substituted, namely:—

"Shri C. Radhakrishnadas, M.A., Inspecting Officer, Forward Markets Commission, Government of India, Bombay."

[No. F.40-Exp(9)/56-TMP.]

S.R.O. 4116.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 6 of the Forward Contracts Regulation Act, 1952 (74 of 1952), read with Article 42 of the Articles of Association of the Madras Oil and Seeds Exchange Ltd., Madras (hereinafter referred to as the Exchange), the Central Government hereby appoints Shri C. Radhakrishnadas, Inspecting Officer, Forward Markets Commission, Government of India, Bombay, as its representative on the Board of Directors of the Exchange and directs that the following amendment shall be made in the Government of India, Ministry of Commerce and Consumer Industries Notification No. S.R.O. 901 dated the 9th March, 1957, namely:—

In the said Notification, for column (2) of entry 1 in the Table, the following shall be substituted, namely:

"Shri C. Radhakrishnadas, M.A., Inspecting Officer, Forward Markets Commission, Government of India, Bombay."

[No. F.40-Exp(13)/56-TMP.]

S.R.O. 4117.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 6 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), read with Article 65(ii) of the Articles of Association of the Alleppey Oil Millers' and Merchants' Association, Alleppey (hereinafter referred to as the Association), the Central Government hereby appoints Shri K. S. Mahadevan, Inspecting Officer, Forward Markets Commission, Government of India, Bombay, as its representative on the Managing Committee of the Association and directs that the following amendment shall be made in the Government of India, Ministry of Commerce and Industry Notification No. S.R.O. 2122, dated the 24th June, 1957, namely:—

In the said Notification, for column (2) of entry 1 in the Table, the following shall be substituted, namely:

"Shri K. S. Mahadevan, M.Sc., Inspecting Officer, Forward Markets Commission, Government of India, Bombay."

[No. F.35(2)-TMP/57.]

S.R.O. 4118.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 6 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), read with Article 60(b) of the Articles of Association of the Hyderabad Oils and Seeds Exchange Ltd., Hyderabad (hereinafter referred to as the Exchange), the Central Government hereby appoints Shri C. Radhakrishnadas, Inspecting Officer, Forward Markets Commission, Government of India, Bombay, as its representative on the Board of Directors of the Exchange and directs that the following amendment shall be made in the Government of India, Ministry of Commerce and Consumer Industries Notification No. S.R.O. 286 dated the 19th January, 1957, namely:—

In the said Notification, for column (2) of entry 1 in the Table, the following shall be substituted, namely:

"Shri C. Radhakrishnadas, M.A., Inspecting Officer, Forward Markets Commission, Government of India, Bombay."

[No. F.40-Exp(11)/56-TMP.]

S.R.O. 4119.—In exercise of the powers conferred by clause (b) of sub-section (2) of section 6 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), read with Article 60(ii) (c) of the Articles of Association of India Pepper and Spice Trade Association, Cochin (hereinafter referred to as the Association), the Central Government hereby appoints Shri K. S. Mahadevan, Inspecting Officer, Forward Markets Commission, Government of India, Bombay, as its representative on the Board of Directors of the Association and directs that the following amendment shall be made in the Government of India, Ministry of Commerce and Consumer Industries Notification No. S.R.O. 711 dated the 2nd March, 1957 namely:

In the said Notification, for column (2) of entry 1 in the Table, the following shall be substituted, namely:—

"Shri K. S. Mahadevan, M.Sc., Inspecting Officer, Forward Markets Commission, Government of India, Bombay."

[No. F. 45-Exp(15)/56-TMP.]

T. S. KUNCHITHAPATHAM, Under Secy.

ORDERS

New Delhi, the 18th December 1957

S.R.O. 4120/IDRA/6/5/Am.(9).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri R. Krishnaswamy, as a member of the Development Council established by the Order of the Government of India in the late Ministry of Heavy Industries No. S.R.O. 410/IDRA/6/5, dated the 1st February 1957, for the scheduled industries engaged in the manufacture and production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments), and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order under the category of members "being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries", after entry No. 13B relating to Prof. M. S. Thacker, the following entry shall be inserted, namely:—

"13C. Shri R. Krishnaswamy, B.A., B.E., Electrical Engineer (Design & Planning), P.S.G. Industrial Institute, Peelamedu P.O., Coimbatore)."

[No. 5(26)IA(II) (G)/57.]

S.R.O. 4121/IDRA/6/11/Am.(1).—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Dr. K. Venkataraman, Director, National Chemical Laboratory, Poona, as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 2821/IDRA/66/11, dated the 31st August, 1957, for the scheduled industry engaged in the manufacture and production of textiles made of artificial silk, including artificial silk yarn, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order under the category of members "being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries", after entry No. 11 relating to Shri I. B. Dutt, the following entry shall be inserted, namely:—

"11A. Dr. K. Venkataraman, Director, National Chemical Laboratory, Poona-8."

[No. 5(38)IA(II) (G)/57.]

P. V. B. MENON, Under Secy.

ORDER

New Delhi, the 18th December 1957

S.R.O. 4122.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby declares that the Development Council established for the scheduled industry engaged in the manufacture and production of Heavy Chemicals (Alkalis) under the Government of India. Ministry of Commerce and Industry Order No. S.R.O. 661, dated the 24th March 1955 and reconstituted under the Government of India, late Ministry of Heavy Industries Order No. S.R.O. 959, dated the 25th March 1957, shall be designated as the Development Council for Alkalis and allied industries, and directs that in S.R.O. 959 aforesaid, in the opening paragraph, for the words and brackets "Development Council engaged in the manufacture and production of Heavy Chemicals (Alkalis)", the words "Development Council for the scheduled industry engaged in the manufacture and production of Alkalis and allied industries", shall be substituted.

[No. 5(35)IA(II) (G)/57.]

K. C. MADAPPA, Dy. Secy.

MINISTRY OF STEEL, MINES AND FUEL

(Department of Mines and Fuel)

ERRATUM

In the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel), Corrigendum, published as S.R.O. 3947, dated the 3rd December, 1957 in the Gazette of India, Part II—Sec. 3, dated the 14th December 1957, the following corrections are to be made:—

At page 2836—

- (i) In the heading for "(Department of Steel, Mines and Fuel)" read "(Department of Mines and Fuel)";
- (ii) In the first and second line of the body of the corrigendum for "Part—Section 3" read "Part II—Section 3".

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 18th December 1957

S.R.O. 4123.—In pursuance of sub-rule (1) of rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), and in supersession of previous notifications on the subject, in so far as they relate to the following subordinate offices of the Ministry of Food & Agriculture (Department of Agriculture), the Central Government hereby appoints the officers noted against each to whom notices of orders attaching the salaries and allowances of the officers and staff employed in or under each of the said offices may be sent:

1. Forest Research Institute and Colleges, Dehra Dun.—President of the Institute.
2. Southern Forest Rangers' College, Coimbatore.—Principal.
3. Forest Research Laboratory, Bangalore.—Chief Research Officer-in-charge.

[No. F. 16-172/57-F.]

N. RANGANATHAN, Under Secy.

(Department of Agriculture)

New Delhi, the 19th December 1957

S.R.O. 4124.—In pursuance of section 21 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956), the Central Government hereby directs that the Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, who is a member and the Vice-chairman of the Executive Committee of the National Cooperative Development and Warehousing Board shall be a director of the board of directors and the Vice-chairman of the said board of directors of the Central Warehousing Corporation and makes the following amendments in the notification of the Government of India, in the late Ministry of Agriculture No. F. 18-16/56-Coop.(Programme), dated the 26th February, 1957, namely—

In the said notification—

- (i) In Paragraph 1, for the item "2 Joint Secretary Incharge of Cooperation, Ministry of Agriculture, Government of India.", the following item shall be substituted, namely:—
"2 Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, Government of India.";
- (ii) In Paragraph 2, for the words "Joint Secretary Incharge of Cooperation, Ministry of Agriculture", the words, "Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture" shall be substituted.

[No. 11-33/57-Coop.I.]

S.R.O. 4125.—In pursuance of section 10 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956), read with Rules 11 and 12 of the Agricultural Produce (Development and Warehousing)

Corporations Rules, 1956, the Central Government has appointed the Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, who is a member of the National Cooperative Development and Warehousing Board, as a member and the Vice-chairman of the Executive Committee of the said Board and hereby makes the following amendments in the notification of the Government of India in the late Ministry of Agriculture, No. F. 8-4/56-Coop.I., dated the 1st November, 1956, namely—

In the said notification—

- (i) In Paragraph 1, for the item, “(2) Joint Secretary Incharge of Cooperation, Ministry of Agriculture, Government of India.”; the following item shall be substituted, namely—
“(2) Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, Government of India.”;
- (ii) In paragraph 2, for the words, “Joint Secretary Incharge of Cooperation, Ministry of Agriculture”, the words “Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture”, shall be substituted.

[No. 6-25/57-Coop.I.]

S.R.O. 4126.—In exercise of the powers conferred by clause (i) of sub-section (2) of section 3 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956), the Central Government has nominated the Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, as a member of the National Cooperative Development and Warehousing Board in the place of the Joint Secretary Incharge of Cooperation, Ministry of Food and Agriculture, and hereby makes the following amendment in the notification of the Government of India in the Ministry of Food and Agriculture No. F. 8-1/56-Coop.I., dated the 31st August, 1956, namely—

In the said notification, for the entry—

- “3. Joint Secretary Incharge of Cooperation, Ministry of Food and Agriculture, Government of India.—*Ex-officio*”, the following entry shall be substituted, namely:—
- “3. Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, Government of India.—*Ex-officio*”.

[No. 6-26/57-Coop.I.]

S.R.O. 4127.—In exercise of the powers conferred by section 52 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (28 of 1956), the Central Government hereby makes the following amendments in the Agricultural Produce (Development and Warehousing) Corporations Rules, 1956, namely:—

In the said rules—

- (1) In rule 3, for item (iii), the following item shall be substituted, namely—
“(iii) The Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, Government of India.”;
- (2) In rule 11, for item (i), the following item shall be substituted, namely—
“(i) The Cooperation Commissioner in the Department of Agriculture, Ministry of Food and Agriculture, Government of India.”

[No. 18-1/57-Coop.I.]

B. S. RAMDAS, Under Secy.

(Department of Food)

ORDER

New Delhi, the 19th December 1957

S.R.O. 4128.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes

the following further amendment in the Tripura Foodgrains (Movement) Control Order, 1956, namely:—

Amendment

In the said Order, for the existing Schedule, the following shall be substituted, namely:—

"SCHEDULE

[See clause 3(2)]

Serial No.	Name of Division/ Sub-Division	Name of Tehsil	Name of Village
I.	Sadar Division		<ol style="list-style-type: none"> 1. Simna. 2. Komarghat. 3. Satyaram Senapati Taluk. 4. Simnachhara Tea Garden. 5. No. 62 Taluk (Simna). 6. Brahama Kunda Tea Garden. 7. Krishnapur Tea Garden. 8. Lalumia Taluk (Simna). 9. Mekhliban Tea Garden. 10. 135 Taluk (Simna). 11. Baluchhara. 12. Iswanpur Tea Garden (Chhaliar-jala). 13. Shankhalanthal. 14. Brojobinodinipur. 15. Sidhai. 16. Barjala. 17. Mantala Tea Garden. 18. Baluaban. 19. Barapukur. 20. Kalachhara Tea Garden. 21. Bejoynagar. 22. Mohanpur Tea Garden. 23. Surendranagar. 24. Baikunthapur. 25. Mohanpur. 26. Taranagar. 27. Jagatpur. 28. Noagaon. 29. Barakattal. 30. Taranagar R.F. 31. Uttar Debendra Chandra Nagar (Purba Khanda). 32. Sukhpur. 33. Fakirmura. 34. Harinakhala. 35. Ujan Satdubia. 36. Gopalnagar Tea Garden. 37. Bardush. 38. Krishnagar Tea Garden. 39. Kalkali Tea Garden. 40. Gajaria. 41. Bhati Satdubia. 42. Chhechuria. 43. Taltala Tea Garden. 44. Guchamura. 45. Bamutia. 46. Madhabpur. 47. Bhandharimura. 48. Chhanipur. 49. Sanipur. 50. Jailpur. 51. Bhogjur. 52. Rangutia. 53. Berimura.

Serial No.	Name of Division/ Sub-Division	Name of Tehsil	Name of Village
			54. Sonatala.
			55. Noagaon.
			56. Bazalgat.
			57. Bhati Fatikchhara.
			58. Fatikchhara Tea Garden.
			59. Jamir Ghat.
			60. Kamalghat.
			61. Brahmanpuskarini.
			62. Ramnagar Taluk.
			63. Uttar Debendra Chandra Nagar.
			64. Lakshilonga Tea Garden.
			65. Tufania Tea Garden.
			66. Tebaria.
			67. Durgabari Tea Garden.
			68. Bhegalpur.
			69. Bagadi.
			70. Mahishkhala.
			71. Narashingarh Tea Garden.
			72. Langta Durgabari Tea Gareden.
			73. Uttar Ramnagar Taluk.
			74. Ananganagar.
			75. Narayanpur.
			76. Nabagram.
			77. Rajnagar.
			78. Chhinaihani.
			79. Paschimnoabadi.
			80. Nandannagar.
			81. Icchhamua.
			82. Mairamnagar.
			83. Indranagar.
			84. Chandrapur.
			85. Bangashibari.
			86. Jagatpur.
			87. Kunjaban.
			88. Khas Aboynagar.
			89. Ujan Abhoynagar.
			90. Bhati Abhoynagar.
			91. Chandinamura.
			92. Modhya Bhouban Bon.
			93. Paschim Bhubanbon.
			94. Lankamura.
			95. Sarma Lunga.
			96. San Mura.
			97. Kalikapur.
			98. Ramnagar.
			99. Agartala Town.
			100. Rajnagar.
			101. Joypur.
			102. Jainagar.
			103. Gazaria.
			104. Badarghat.
			105. Pratapghar.
			106. Pratapghar Tea Garden.
			107. Kata Sewla.
			108. Jogendranagar.
			109. Dukly.
			110. Dakshin Maheskhala.
			111. Raj Lakshi Tea Garden.
			112. Charipara.
			113. Belaba.
			114. Lakshipur.
			115. Madhabpur.
			116. Nischintapur.
			117. Kismet Kur.
			118. Iswanchandranagar.
			119. Haripur.
			120. Kashinagar.

Serial No.	Name of the Division/ Sub-Division/	Name of Tehsil	Name of Village
			121. Ballavpur.
			122. Madhupur.
			123. Mantali.
			124. Paschim Durgapur.
			125. Purba Durgapur.
			126. Hatileta.
			127. Nogaon.
			128. Amtali Tea Garden.
			129. Sekerkut.
			130. Purnagram.
			131. Champamura.
			132. Rajiswaripur.
			133. Purba Gokulnagar.
			134. Harishnagar Tea Garden.
			135. Nehal Chandranagar.
			136. Paschim Gokulnagar.
			137. Rajiswarinagar.
			138. Pandabpur.
			139. Brajendranagar.
			140. Nagarpura.
			141. Matinagar.
			142. Barchatal.
			143. Gabtali.
			144. Rayermura.
			145. Khamarhati.
			146. Pathariadwal.
			147. Dhanchari.
			148. Birendranagar.
			149. Paschim Lakhibil.
			150. Raghunathur.
			151. Noapara.
			152. Tebaria.
			153. Krishnakishore Nagar.
			154. Probhurampur.
			155. Ratannagar.
			156. Ghanyamara.
			157. Purathal Rajnagar.
			158. Kaiadhepa North and South Both ways.
			159. Konaban.
			160. Konania.
			161. Debipur.
			162. Rangamura.
			163. Krishnapur (Kamalasagar proper)
			164. Radhanagar.
			165. Gorabhanga.
			166. Sirpur.
			167. Iswar Bhowmaik Taluk No. 190.
			168. Haripur.
			169. Hariar Dula.
			170. Gazaria.
			171. Durganagar.
			172. Shibnagar.
			173. Nabinagar.
			174. Brojopur.
			175. Rangapania.
			176. Ramchhara.
			177. Chelikhala.
			178. Jharjaria.
2. [Dharmagar . . .			1. Ragna.
			2. Ragadurgapur.
			3. Bhagyapur.
			4. Chandrapur.
			5. Kurtarpasu.
			6. Barug Kandi
			7. Dharampur.
			8. Fatikuli.
			9. Radhapur.

Serial No.	Name of the Division/ Sub-Division	Name of Tehsil	Name of Village
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10. Hurua.
11. Rajbai.
12. Huplong.
13. Baithangbari.
14. Gobindapur.
15. Ichaijoypur.
16. Ichai.
17. Padmapura.
18. Mangalkhali.
19. Jamirala.
20. Tongibari.
21. Shingibil.
22. Dwanpasa.
23. Eakubnagar.
24. Kakripur.
25. Pratyekrai.
26. Laxmigul.
27. Dolukandi.
28. Ichaiapar.
29. Ichaiapar Baruakandi.
30. Ichaiapar Sunapur.
31. Ichaiapar Kashimnagar.
32. Sunararpasa.
33. Dighalbak.
34. Fatikuli.
35. Gongannagar.
36. Kameshwargram.
37. Dwanpasa.
38. Dubarajnagar.
39. Dupirbond.
40. Latugong.
41. Sabazpur.
42. Sanichera.
43. Uptakhali.
44. Nadiapur.

Brajendra Nagar.

1. Brajendranagar North.
2. Brajendranagar South.
3. Khulidahar.
4. Birajanagar.
5. Ranibari Tea Estate.
6. Purangarad.
7. Ichailalcheera.
8. Idhaitulgou.
9. Sumaichari.
10. Satsnagon.
11. Mohanteki.
12. Rangnagar.
13. Kalagangerpar.
14. Saraba T.E.
15. Bamunua.
16. Tekni.
17. Saraspur.
18. Mahespur T.E.
19. Bishnupur.
20. Chital Dohar.
21. Bakbaki East.

Kurti

1. Pearachhera.
2. Kalagangerpai.
3. Kurtirajnagar.
4. Bargul.
5. Kherangjuri.
6. Kadamtala.
7. Fulbari.

Serial No	Name of the Division/ Sub-Division	Name of Tehsil	Name of Village
			8. Lalchhera.
			9. Charaibari.
			10. Bakbaki Gopalnagar.
			11. Bagan.
			12. Bargal.
			13. Jalaibari.
			14. Amtialla.
			15. Jhanjheri.
			16. Baghan.
			17. Jolaibari.
			18. Tarakpur.
Kailasahar . . .	Kailasahar . . .		1. Rangauti.
			2. Debipur.
			3. Kalipur.
			4. Khowrabill.
			5. Irani.
			6. Khilerband.
			7. Gopinathpur.
			8. Maguruli.
			9. Latiapura.
			10. Lajakhowra.
			11. Hira Chhera Tea Estate.
			12. Kamarkandi.
			13. Kalerkandi.
			14. Tillagoan.
			15. Bongaon.
			16. Dhaliarkandi.
			17. Fulbarikandi.
			18. Barabond.
			19. Jubarajnagar.
			20. Safarikandi.
			21. Borkhala.
			22. Muraibari.
			23. Ruikipaujirpara.
			24. Luxmipur.
			25. Sultanpur.
			26. Srinathpur.
			27. Noapattan.
			28. Sonamura.
			29. Boulapasa.
			30. Nagpur.
			31. Daulatpur.
			32. Noagaon.
			33. Ichhabpur.
			34. Kubjar.
			35. Bhurghat.
			36. Kataldighirpar.
			37. Mainpur.
			38. Kailasahar Town.
			39. Govindapur.
			40. Kacharghat.
			41. Kanakpur.
			42. Panichowki Bazar.
			43. Mohanpur.
			44. Bishnupur.
			45. Langlipur.
			46. Kalipur.
			47. Jiturdhighipur.
			48. Sonamura.
			49. Padmadighirpar.
			50. Pakhirbada.
			51. Bidhanagar.
			52. Goldharoni.
			53. Chirakuti.
			54. Kirtantali.
			55. Tilakpur.

Serial No	Name of the Division/ Sub-Division	Name of Tehsil	Name of Village
			56. Gournagar.
			57. Bhagabab Nagar.
			58. Bhadranagar.
			59. Kamranga Bari.
			60. Bhadrapalli.
			61. Samrupar.
			62. Srirampur.
			63. Chandipur.
			64. Anila Tea Estate.
			65. Manu Valley Tea Estate.
			66. Murtichhera.
			67. Nidli-Ramgichhera.
			68. Samrupar Sadhanshram.
			69. Raimoni Tripura.
			70. Mangal Singh Tripura.
			71. Rung Rung Tea Estate.
			72. Halaicheera.
			73. Halaipar.
			74. Chhaintail.
			75. Sorojuni Tea Estate.
			76. Kalishasan Tea Estate.
			77. Chhagal Dema.
			78. Halaichhera Tea Estate.
			79. Golokpur Tea Estate.
			80. Dakhal Singh Para.
			81. Gaharoy Ghew Para.
			82. Mantailian Galim Para.
			83. Kinairchar.
			84. Murtirpar.
			85. Mira Kukipara.
			86. Gokul Singh Chow Para.
			87. Lal Hulla Ujir Para.
			88. Chung Nura Ujir Para.
			89. Debal Montri Para.
			90. Kuxmi Dhan Para.
			91. Durgaprasad Para.
			92. Chunga Uhir Para.
			93. Talan Bari.
			94. Chung Ly Thai.
			Galim Para.
			95. Nishan Chow Para.
			96. Mohan Khasia Para.
			97. Gopalnagar.
			98. Kazirgoan.
			99. Ghungi Khairpar.
			100. Krishnaapur (Indranagar).
			101. Tikarbari.
			102. Halgarah.
			103. Lal Chand.
			104. Durganagar.
			105. Vitarpakhirbada.
			106. Durgapur.
			107. Sonamora Colony.
			108. Kaulikura.
			109. Samrumukh.
			110. Semamukhi T.E.
			111. Bhadranagar.
4.	Kamalpur	Kamalpur	1. Malaya.
			2. Mohanpur.
			3. Rupashpur.
			4. Kamalpur Bazar.
			5. Gangaganagar.
			6. Kamalanagar.
			7. Bilash Chera.
			8. Ballygown.

Serial No.	Name of the Division Sub-Division	Name of Tehsil	Name of Village
			9. Nowagaon. 10. Singibill. 11. Halhuli. 12. Harerkhola. 13. Kalacheri. 14. Mayacheri. 15. Bara Burma. 16. Chota Surma. 17. Marachera. 18. Lalcheri. 19. Panchashi. 20. Kuchailara. 21. Chet Roy. 22. Shri Rampur. 23. Darang Tilla. 24. Chulubari. 25. Daspara. 26. Lambuchera. 27. Pirkaichera. 28. Manik Bhandas. 29. Metir Mia.
5.	Khowai	Khowai	1. Khowai Town. 2. Mahismara. 3. Paharmura. 4. Dauliatila. 5. Khowai Tea Garden. 6. Bachibari. 7. Durganagar. 8. Singhichera. 9. Chawpachera 10. Ganki. 11. Sonatala. 12. Chamubasti. 13. Bankazar. 14. Karangichera. 15. Lakshmichera. 16. Belchara. 17. Bagabil. 18. Kengrabari. 19. Gouranagar. 20. North Ramchandra Ghat. 21. Pajmabil. 22. South Ramchandra Ghat.
6.	Sonamura	1. Sonamura	1. Sonamura. 2. Sonamura Town. 3. Durgapur. 4. Aralicy. 5. Khejabari. 6. South Nabadwip Chandra Nagar 7. Dhalial. 8. Uрмаi. 9. Bejjimara. 10. Garurband. 11. Barapathar. 12. Ramnagar. 13. Khas Sonapur. 14. Chakbasta Sonapur. 15. Subhapur. 16. Sreemanthapur. 17. Ghran'ali. 18. Khas Gharantali. 19. Pacharmarghat. 20. Bardewal. 21. Teksapara. 22. Telkajala. 23. Dur'javanarsyan

Serial No.	Name of the Division Sub-Division	Name of Tehsil	Name of Village
		2. Dhanpur	24. North Monarchak. 25. South Monarchak. 26. North Paharpur. 27. Kolapania. 28. South Paharpur. 29. Birampur. 30. Nirbhoypur 31. Himmatpur. 32. Swaraswatipur. 33. Jagatrampur. 34. Chakbasta Jagatrampur. 35. Joylampur.
		3. Kathalia.	35(a). North Badarpur. 36. Hasimpur. 37. North Ajarrahmanpur. 38. Kalkrishna Nagar. 39. Birendranagar. 40. South Ajarrahmanpur. 41. Nidyajunglepur. 42. Durlaypur. 43. Bhawanipur. 44. Manaipathar. 45. Kulubari 46. North Nabadwip Chandranagar (With Panchalia). 47. Khas Kamalnagar. 48. Bejoynagar.
		4. Maginagar	49. Anandapur 50. Kalamchowara. 51. Jagatrampur. 52. Bagber. 53. Ghilatali. 54. Jamtala. 55. Kalasimura. 56. Bathanbari. 57. Nagar. 58. Bhaishkhala. 59. Saoratali. 60. Nij Boxanagar. 61. Ashabari. 62. Muradabad. 63. Rahimpur. 64. Bhelarchar. 65. Putia. 66. Gaurangala. 67. Thakermura. 68. Baramura.
		5. Boxanagar.	
7. Belonia		1. Belonia	1. Sara Shima. 2. South Belonia. 3. Hulia Defa. 4. Bengua. 5. Kali Nagar. 6. Ishan Chandranagar. 7. Balla Mukha. 8. Angarkhali. 9. Amjad Nagar. 10. Mirjapur. 11. North Belonia. 12. Dwarir Khil. 13. Machur Khil. 14. East Beshapdua. 15. Jaykhatpur. 16. Sonaichari. 17. Baraputhari Kalabaria. 18. Bharat Chandranagar K.T. No. 8

Serial No.	Name of the Division/ Sub-Division	Name of Tehsil	Name of Village
		2. Puran Rajbari	19. Akinpur. 20. Dhurganagar. 21. Chandranagar. 22. Bhairabnagar. 23. Balda Khal. 24. Baraya. 25. Ananganagar Taluk No. 12.
		3. Sidhnagar	26. Shundarur. 27. Husenpur. 28. Nurpur. 29. South Sree Rampur. 30. Payejpur. 31. Kamalpur. 32. Ashrabpur. 33. Jebaria, in Tehsil Puran 34. Birnagar, Rajbari. 35. North Sree Rampur.
		4. Radhanagar	36. Ajagar Rahmanpur 37. Bhabanipur. 38. Rangamara. 39. Umeshpur. 40. Ramdas Nagar. 41. North Krishnapur. 42. Madhya Krishnapur. 43. South Krishnaupur. 44. Radhanagar. 45. Anandapur. 46. Shidhinagar. 46-A. K. T. No. 3 (Farzeali Kazi) 46-B. K.T. No. 11 (Gourmohandey) 46-C. T. K. No. 20 (Ishan Chandra Dey)
		5. Rajnagar	47. Nachinagar. 48. Palown Chand. 49. Bara Jhosh. 50. Prakashnagar. 51. Rajnagar. 52. South Joychandpur. 53. South Laksimipur. 54. Chilla Pathar. 55. North Joychandpur. 56. Kazir Pathar. 57. Garzanja. 58. Datta Khala. 59. North Lakshmipur. 60. Bara Pathari. 61. Bagachatol. 62. Taghkhshi T. No. 1; 63. Piparia Khala. 63-A. K. T. 22 No. (Abdul Hakim Mazumder).
		6. Hrisha Mukh	64. Rajnagar. 65. Debipur. 66. Dharmanagar. 67. Kalikapur. 68. Sreepur. 69. South Haripur. 70. North Shibpur. 71. Gouripur. 72. Krishnapur. 73. Joypur. 74. Abhoynagar. 75. Champaknagar. 76. Krishnapur.

Serial No.	Name of the Division/ Sub-Division	Name of Tehsil	Name of Village
			77. South Sibpur. 78. Ramnagar (T. No. 5). 79. Radhakishorenagar (Taluk No. 7, Haripur and Gouri- pur.) 80. Manik Chari. 80-A. K. T. No. 6 (Remphal Singh). 80-B. K.T. No. 19 (Jamini Kanta Sen). 80-C. K.T. No. 26 (Jamini Kanta Sen). 81. North Haripur.
8.	Amarpur	Birganj	1. Karbuk. 2. Ekchhari. 3. Manikya Dwan (Under Birganj T.K. 4. Raima (Under Dumbernagar T.K.)
9.	Sabroom	1. Sabroom	1. West Subroom 2. Doulburi. 3. Bijoyanagar. 4. Ramendranagar. 5. Kalyannagar. 6. Brajendranagar. 7. Chhotakhil. 8. East Sabroom. 9. Bagachatal. 10. Baishnabpur. 11. Ludhua. 12. Jolepfa. 12-A. Magroom.
		2. Amlighat.	13. Upendranagar. 14. Karimatillah. 15. Shrinagar. 16. Krishnagar. 17. Chalitachari. 18. Harbatali.
		3. Samarendranagar.	19. Madhyannagar. 20. Rajnagar.
		4. Ghorakapa.	21. Gherakapa. 22. Barbill. 23. Patichari. 24. Skhnachari. 25. Ichhachari. 26. Kaptali. 27. Belchhari.

[No. 204(3)/56-PY.II.]

S. N. BHALLA, Dy. Secy.

MINISTRY OF HEALTH

New Delhi-2, the 21st December 1957

S.R.O. 4129.—In pursuance of sub-rule (1) of rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (Act 5 of 1908), the Central Government hereby appoints the officers specified in column 1 of the table below as officers to whom notices of orders attaching the salaries and allowances of the officers specified in the corresponding entries in column 2 of the said table shall be sent.

TABLE

Officers to whom notice should be sent	Officers whose salaries and allowances are attached
1	2
Under Secretary, Ministry of Health Director General of Health Services	<p>Gazetted and non-gazetted officers of the Ministry of Health (proper).</p> <ol style="list-style-type: none"> 1. Gazetted and non-gazetted officers of the Directorate General of Health Services. 2. Gazetted and non-gazetted officers of the Lady Reading School, Delhi. 3. Gazetted and non-gazetted officers of the Willingdon Hospital, New Delhi. 4. Gazetted and non-gazetted officers of the Safdarjang Hospital, New Delhi. 5. Gazetted and non-gazetted officers of the College of Nursing, New Delhi. 6. Gazetted and non-gazetted officers of the V. D. Training Centre, New Delhi. 7. Gazetted and non-gazetted officers in the Airport Health Office, Palam. 8. Gazetted and non-gazetted officers of the Air Port Health Office, Tiruchirappalli. 9. Gazetted and non-gazetted officers in the Port Health Office, Visakhapatnam. 10. Gazetted and non-gazetted officers in the Family Planning Training Centre, Ramana-gram. 11. Gazetted and non-gazetted officers in the Office of the Goitre Pilot Survey Project, Dharamsala. 12. Gazetted and non-gazetted officers in the Office of the Technical Officer, Central Drugs Standard Control Organisation, Cochin. 13. Gazetted and non-gazetted officers in the Civil and Military Dispensary, Simla. 14. Gazetted and non-gazetted officers in the X-Ray Installation, Simla. 15. Gazetted and non-gazetted officers in the Hospital for Mental Diseases, Ranchi. 16. Gazetted and non-gazetted officers in the Central Research Institute, Kasauli. 17. Gazetted and non-gazetted officers in the Port Health Office, Cochin. 18. Gazetted and non-gazetted officers in the Malaria Institute of India, Delhi. <p>Gazetted and non-gazetted officers in the Medical Store Depot, Calcutta.</p> <p>Gazetted and non-gazetted officers in the Port Health Office, Calcutta.</p> <p>Gazetted and non-gazetted officers of the Air Port Health Office, Dum Dum, Calcutta.</p> <p>Gazetted and non-gazetted officers of the Central Food Laboratory, Calcutta.</p> <p>Gazetted and non-gazetted officers in the office of the Leprosy Control Work of the Government of India, Calcutta.</p> <p>Gazetted and non-gazetted officers in the Central Drugs Laboratory, Calcutta.</p> <p>Gazetted and non-gazetted officers in the Office of the Assistant Drugs Controller (India), Calcutta.</p> <p>Gazetted and non-gazetted officers in the Offices of (i) the Serologist and Chemical Examiner to the Government of India, and (ii) the Antigen Production Unit, 3 Kyd Street, Calcutta.</p>
Deputy Assistant Director General (M. S.), Medical Store Depot, Calcutta. Port Health Officer, Calcutta.	
Air Port Health Officer, Dum Dum, Calcutta.	
The Director, Central Food Laboratory, Calcutta.	
The Director, Leprosy Control Work, Calcutta	
The Director, Central Drugs Laboratory, Calcutta.	
Assistant Drugs Controller (India), Calcutta.	
Serologist and Chemical Examiner to the Government of India and Director, Antigen Production Unit, Calcutta.	

Staff Surgeon, Fort William, Calcutta	Gazetted and non-gazetted officers in the Office of the Staff Surgeon, William, Calcutta
Airport Health Officer, Airport Dispensary Dum Dum, Calcutta	Gazetted and non-gazetted officers in the Airport Dispensary, Dum Dum, Calcutta.
The Director, All India Institute of Hygiene and Public Health, Calcutta	Gazetted and non-gazetted officers in (i) the Reorientation Centre, Singur, Calcutta (ii) All-India Institute of Hygiene and Public Health, Calcutta
Deputy Assistant Director General (M S), Medical Store Depot, Bombay	Gazetted and non gazetted officers in the Medical Store Depot, Bombay.
Port Health Officer, Bombay	Gazetted and non-gazetted officers in the Port Health Office, Bombay.
Air port Health Officer, Santacruz, Bombay.	Gazetted and non-gazetted officers in the Airport Health Office, Bombay.
Assistant Drugs Controller (India), Bombay.	Gazetted and non-gazetted officers in the Office of the Assistant Drugs Controller (India), Bombay.
Airport Health Officer, Airport Dispensary, Bombay (Santacruz).	Gazetted and non-gazetted officer in the Airport Dispensary, Santacruz, Bombay.
Deputy Assistant Director :General (M S) Medical Store Depot, Madras,	Gazetted and non gazetted officers in the Medical Store Depot, Madras.
Port Health Officer, Madras	Gazetted and non-gazetted officers in the Port Health Office, Madras.
Director, B C G Laboratory, Guindy, Madras	Gazetted and non-gazetted officers in the office of the B C G Laboratory, Guindy, Madras.
Assistant Drugs Controller (India), Madras	Gazetted and non-gazetted officers in the Office of the Assistant Drugs Controller (India), Madras
Deputy Assistant Director General (M S.), Medical Store Depot, Karnal.	Gazetted and non-gazetted officers in the Medical Store, Depot, Karnal.

2 This Ministry's Notifications Nos 26-259/55-Estt, dated the 21st March, 1956 and 21st November, 1956, on this subject may be treated as cancelled.

[No F. 32-76/57-Estt]

S IFTIKHAR HUSAIN, Dy Secy

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 19th December 1957

S.R.O. 4130.—In exercise of the powers conferred by Section 13 read with Section 13A(1) of the Madras Port Trust Act, 1905 (Madras Act II of 1905), the Central Government hereby appoints Shri S C C. Anthoni Pillai, M.P., as a representative of labour on the Board of Trustees of the Port of Madras vice Shri N. Viharangam who ceased to be a Trustee under the provisions of sub-section (2) (c) of Section 10 of the said Act.

[No 13C-PG(32)/57.]

New Delhi, the 20th December 1957

S.R.O. 4131.—In exercise of the powers conferred by clause (b) of section 6 of the Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885), the Central Government hereby makes the following further amendment with effect from the 28th January, 1958 in the rules published with the

notification of the Government of India in the late Department of Commerce, No. 222. P&L/33(1-B), dated the 5th August 1933, as subsequently amended namely:—

In the said rules, the following shall be inserted as rule 17, namely:—

"17. For transfer of iron and steel either direct from a vessel at a Quay or from wharf to the dump, charges will be levied, in addition to the handling charges payable under rule 15, as follows:—

Rs. 3/- per ton or part thereof.

NOTE.—The decision whether the cargo is to be removed to the dumps or may be allowed to be at the Quay rests with the Traffic Manager, whose decision is final. The Steel Dump Area is treated for all intents and purposes as Transit space for purposes of rules for goods in Transit".

[No. 17B-PG(35)/57.]

(Department of Transport)
(Transport Wing)

New Delhi, the 20th December 1957

S.R.O. 4132.—The following draft of certain amendments in the Vizagapatam Port Rules and Scale of Rates, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 6 of the India Ports Act, 1908 (15 of 1908), is published, as required by sub-section (2) of the said section 6 for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st February 1958.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the said Rules in the "Rule for goods in Transit under Part I—Imports—
(1) for the words "five days" occurring in rule 1 the words "two days" shall be substituted.

(2) The following rule shall be substituted, namely:—

"7. If at any time the Traffic Manager should apprehend a serious congestion in the transit sheds or other spaces allotted for goods in transit to the detriment of the rapid transit of goods through the Port, he may direct the owners or consignees of any specified goods to remove such goods from the Port premises within a given time. If the goods are not removed within that time, the Traffic Manager may cause them to be removed and restacked in another place within the transit shed or other places allotted for goods in transit at the risk and expense of the owner or the consignee. Goods so removed will be charged with transit dues at the rate of Rs. 1.50 per ton per diem, and will also not be eligible for the concession given under rule 11."

[No. 17-PHI(18)56-PG.]

D. A. R. WARRIAR, Under Secy.

New Delhi, the 17th December 1957

S.R.O. 4133.—In pursuance of Sub-Rule (5) of rule 430 of the Indian Telegraph Rules, 1951 the Central Government hereby specifies the 16th day of January 1958 as the date on which Message Rate System will be introduced at Patna Telephone Exchanges.

[No. F.42-10/57-PHC.]

H. C. SHARMA, Under Secy.

(Department of Communications)
(P. & T.)

New Delhi, the 20th December 1957

S.R.O. 4134.—In exercise of the powers conferred by sub-section (2) of section 16 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby

makes the following further amendment to the Indian Post Office Rules, 1933, namely:—

In rule 183 of the said Rules, the following shall be inserted as item (XX), namely:—

“(XX). The Secretary, National Book Trust of India (Bharatiya Granth Prakashan) provided that articles posted by him relate solely to the business of the said Trust.”

[No. 24/12/57-CL.]

K. K. SARAN, Dy. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 19th December 1957

S.R.O. 4135.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri S. R. Maini, Secretary to the Punjab Government, Rehabilitation Department, Chandigarh as *ex-officio* Settlement Commissioner in the State of Punjab for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites, if any, in any such area allotted along with any such lands.

[No. 1(7) (45)/57-SIII.]

H. S. NAIR, Under Secy.

ORDER

New Delhi, the 2nd December, 1957

S.R.O. 4136.—In pursuance of rule 35 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Central Government hereby classifies the colonies and shopping centres in which Government-built properties are situated as A, B and C as shown against each.

BOMBAY

- (1) Shopping centre at Chalisgaon (Outside the colony)—B
- (2) Shopping centre at Jalgaon (Outside the colony)—B
- (3) Shopping centre at Bhusawal (Outside the colony)—B
- (4) Shopping centre at Pachora (Outside the colony)—B
- (5) Shopping centre at Amalner (Outside the colony)—B
- (6) Shopping centre at Dhulla (Outside the colony)—B
- (7) Shopping centre at Dondalcha (Outside the colony)—C
- (8) Shopping centre at Nandurbar (Outside the colony)—C
- (9) Shopping centre at Ahmed Nagar (Outside the colony)—B

BIHAR

- (10) Shopping centre at Patna (Outside the colony)—B
- (11) Shopping centre at Gaya (Outside the colony)—B
- (12) Shopping centre at Muzzafarpur (Outside the colony)—B
- (13) Shopping centre at Darbhanga (Outside the colony)—C
- (14) Shopping centre at Ranchi (Outside the colony)—B

DELHI

- (15) Gulabi Bagh (Outside the colony)—A
- (16) Parda Garden (Outside the colony)—A
- (17) Anguri Bagh (Outside the colony)—A
- (18) Vijay Nagar (Outside the colony)—A
- (19) Gaffar Market (Outside the colony)—A
- (20) Jhansi-ki-Rani Market (Outside the colony)—A
- (21) Shops along Qutab Road (Outside the colony)—A
- (22) Shopping centre Lodhi Road (Outside the colony)—A
- (23) Shopping centre Gole Market (Outside the colony)—A

- (24) Kamla Market (Outside the colony)—A
- (25) Khurshed Market (Outside the colony)—A
- (26) Boulevard Market (Outside the colony)—A
- (27) Gur-ki-Mandi (Outside the colony)—A
- (28) Harijan Colony Shahdara (Outside the colony)—B
- (29) Lajpat Rai Market (Outside the colony)—A
- (30) Pleasure Garden (Outside the colony)—A
- (31) Sarojini Market (Outside the colony)—A
- (32) Ansari Market (Outside the colony)—A
- (33) Azad Market (Outside the colony)—A
- (34) Mirdard Road shops (Outside the colony)—A
- (35) Timarpur Centre shops (Outside the colony)—A
- (36) Sewa Nagar shops (Outside the colony)—A
- (37) Baird Road shops (Outside the colony)—A
- (38) Khanna Market (Outside the colony)—A
- (39) Lehnasingh Market (Outside the colony)—A
- (40) Khan Market (Outside the colony)—A
- (41) P-Block shops (Outside the colony)—A
- (42) M. M. Road shops (Outside the colony)—A
- (43) Roshanara Road shops (Outside the colony)—A
- (44) Hathi Khan shops-cum-flats (Outside the colony)—A
- (45) Old Rohtak Road shops (Outside the colony)—A
- (46) Shankar Market (Outside the colony)—A
- (47) Subzi Mandi shops (Outside the colony)—A
- (48) Sarai Rohila shops (Outside the colony)—A
- (49) Karol Bagh shops (Outside the colony)—A

UTTAR PRADESH—Agra

- (50) Mathai-ka-Chabutra (Outside the colony)—A
- (51) Namner (Outside the colony)—C

Bareilly

- (52) Near Hospital 48 shops (Outside the colony)—A

Banaras

- (53) Shopping centre Lanka (Outside the colony)—A

Nilokheri

- (54) Colony at Nilokheri (Outside the colony)—B

[No. 36(1)SI/56.]

ONKAR DAYAL, Under Secy.

(Office of the Chief Settlement Commissioner)

New Delhi, the 19th December 1957

S.R.O. 4137.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 16 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints every officer for the time being holding the post of Assistant Settlement Officer under the Regional Settlement Commissioner, Uttar Pradesh to be *ex-officio* Managing Officer for the custody, management and disposal of immovable property in the Compensation Pool situated in the State of Uttar Pradesh.

[No. F.14/9/57Comp.I.]

New Delhi, the 20th December 1957

S.R.O. 4138.—In exercise of the powers conferred by Clause (a) of Sub-Section 2 of the Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby confers on Shri Hansraj Chadda, Land Allotment Officer, the powers of a Managing Officer, for the allotment and disposal of agricultural land in the Compensation Pool in Madhya Pradesh, from the date of his appointment.

[No. 8/187/57-Comp.I.]

M. L. PURI, Settlement Commissioner & Ex-Officio, Under Secy.

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 19th December 1957

S.R.O. 4139.—In exercise of the powers conferred upon me by sub-section (1) of section 8 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (No. 44 of 1954), I, L. J. Johnson, I.C.S., Chief Settlement Commissioner, do hereby authorise Shri Bir Bal Malik, Settlement Officer, Rohtak to make payment of compensation to displaced persons, out of the compensation pool, by transfer of allotable property or otherwise in accordance with the provisions of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955.

[No. F.4(6)-COMP.II/57.]

L. J. JOHNSON,
Chief Settlement Commissioner.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 18th December 1957

S.R.O. 4140.—In exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts each of the undermentioned factories belonging to the Central Public Works Department under the Ministry of Works, Housing and Supply from all the provisions of the said Act for a further period from the 1st January 1958 to the 13th September 1958:—

1. The Electric Fans, Motors and Appliances Repair Shop, Barakhamba Road, New Delhi.
2. The Horticultural Tools and Implements Repair Shop, New Delhi.
3. The Auto and General Repairs and General Machine Shop and Foundry, American Warehouse, Factory Road, New Delhi.
4. The Desert Cooler, Refrigerator, Air Conditioning and Electric Repair Workshop, Barakhamba Road, New Delhi.

[No. F.HI-6(226)/57.]

R. M. DOIPHODE, Under Secy.

New Delhi, the 19th December 1957

S.R.O. 4141.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (18 of 1952) and in supersession of the notification of the Government of India in the late Ministry of Labour No. PF. 516(13) dated the 13th September, 1955, the Central Government hereby appoints Shri Hem Chandra Mahapatra to be an Inspector for the whole of the State of Orissa for the purposes of the said Act and of any Scheme made thereunder, in relation to an establishment which is a factory engaged in a controlled industry, or a mine or an oilfield.

[No. PF-I/31(392)/57.]

New Delhi, the 20th December 1957

S.R.O. 4142.—The following draft of certain further amendments to the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th January, 1958.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Amendments

In the said Scheme—

- (1) in sub-clause (2) (b) (i) of clause 15, the last sentence shall be omitted;
- (2) in sub-clause (i) (ii) of clause 30, after the words "leave reserve workers" in the last sentence, the words "who may be allotted, if so desired by the employer, for a period of a fortnight" shall be inserted.

[No. Fac. 171(9)/57.]

New Delhi, the 21st December 1957

S.R.O. 4143.—Whereas immediately before the Employee's Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 31st July, 1956, to the establishment of Messrs. Godhra Electricity Co. Ltd., Power House, Godhra, District-Panch Mahals, Bombay State, there was in existence a Provident fund common to the employees employed in the establishment of the said Company to which the said Act applies, and the employees in their Head Office at Ahmedabad:

Now, therefore, in exercise of the powers conferred by section 3 of the Employee's Provident Funds Act, 1952 (19 of 1952), the Central Government hereby directs that the provisions of the said Act shall apply to the establishment of the Head Office of the said Company situated at Ahmedabad.

[No. P.F.II.57(32)57.]

S.R.O. 4144.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952) became applicable with effect from the 1st November, 1952 to the establishment of the Ahmedabad Advance Mills Limited outside Delhi Gate, Ahmedabad, there was in existence a provident fund common to the employees employed in the establishment of the said Company to which the said Act applies, and the employees in their Head Office at Bombay House, Bruce Street, Fort, Bombay;

Now, therefore, in exercise of the powers conferred by section 3 of the Employee's Provident Funds Act, 1952 (19 of 1952), the Central Government hereby directs that the provisions of the said Act shall apply to the establishment of the Head Office of the said Company situated at Bombay.

[No. PF.II 57(24)/57].

R. C. SAKSENA, Under Secy.

New Delhi, the 21st December 1957

S.R.O. 4145.—In exercise of the powers conferred by section 8 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with rule 3 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby makes the following amendments to the notification of the Government of India in the Ministry of Labour and Employment No. S.R.O. 3266 dated the 8th October 1957.

In the said notification—

- (1) for entry 1, the following entry shall be substituted, namely:—
"1. Secretary to the Government of India, Ministry of Labour and Employment who is hereby appointed as Chairman";
- (2) for entry 14, the following entry shall be substituted, namely:—
"14. Shri R. N. Sharma, M. L. A."

[No. MII-3(8)/57.]

S. RANGASWAMI, Under Secy.

New Delhi, the 23rd December 1957

S.R.O. 4146.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Nagpur, in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their Workmen.

**BEFORE SHRI P. D. VYAS, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NAGPUR, AT BOMBAY**

REFERENCE (CGIT) No. 3 OF 1957

ADJUDICATION

BETWEEN:

The Bombay Port Trust

AND

Their Workmen.

In the matter of an industrial dispute regarding overtime.

APPEARANCES:

Shri S. D. Nariman, Legal Adviser, for the Bombay Port Trust.

Shri S. Maitra, General Secretary and Shri V. Pagraut, Secretary, for the Bombay Port Trust General Workers' Union.

Shri P. W. Khandekar, Secretary and Shri S. R. Kulkarni, for the Transport & Dock Workers' Union.

Shri S. J. Deshmukh, Treasurer and Shri S. B. Ansurkar, Assistant Secretary, for the B.P.T. Employees' Union.

No appearance on behalf of the B.P.T. Railwaymen's Union.

AWARD

This reference has been made by the Central Government in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of an industrial dispute between the Bombay Port Trust and their workmen. The dispute relates to the following matters specified in the Schedule annexed to the Government Order LR-3(28)/57, dated the 17th June 1957:—

THE SCHEDULE

1. Whether the employees of the Bombay Port Trust belonging to the categories referred to in the annexure 'A' should be paid, overtime if any, for the period from 15th March 1951 to December 1954 at double the ordinary rate of wages like other employees having regard, among other things to considerations of equity and merit and/or the provisions of the Minimum Wages Act and the rules thereunder.
2. What arrears of wages on account of overtime, if any, are due, having regard, among other things, to considerations of equity and merit and/or the provisions of the Minimum Wages Act and the rules thereunder to the shore workers of the Port Department for the period from 15th March 1951 to March 1954.

ANNEXURE 'A'

Category

LABOUR DEPARTMENT:

1. Senior Clerk.
2. Stenographer, 1st Grade.
3. Canteen Manager.
4. Canteen Manager (Junior).
5. Assistant Canteen Manager.
6. Head Vendor.
7. Cook.

RAILWAY DEPARTMENT:

8. Assistant Controller.
9. Goods Clerk.
10. Senior Clerk.
11. Assistant Cashier.

STORES DEPARTMENT:

12. Senior Clerk.
13. Order Clerk.

DOCKS DEPARTMENT:

14. Stenographer, 1st Grade.
15. Assistant Cashier (Bunders).
16. Head Time Keeper.
17. Gate Keeper, 1st Grade.
18. Shed Superintendent, 2nd Grade.
19. Assistant Shed Superintendent.
20. Assistant Chief Inspector.
21. Labour Supervisor.
22. Inspector, 2nd Grade.
23. Store Keeper.
24. Sub-Inspector, Sanitary.

DOCKS DEPARTMENT:

25. Senior Clerk (Bunders).
26. Peon Overseer.

MEDICAL DEPARTMENT:

27. Junior Overseer.
28. Sanitary Inspector.

ESTATE DEPARTMENT:

29. Assistant Cashier (Bills).
30. Senior Clerk (Office).
31. Senior Clerk (Outdoor).
32. Stenographer, 1st Grade.

PORT DEPARTMENT:

33. Senior Clerk.
34. Cashier (since transferred to the Accounts Department).
35. Chief Signalman, Port Signal Station.
36. Assistant Light Keeper.

LEGAL DEPARTMENT:

37. Senior Clerk.
38. Stenographer, 1st Grade.

ENGINEERING DEPARTMENT:

39. Senior Clerk.
40. Stenographer, 1st Grade.
41. Crane Inspector.
42. Chargeman.
43. Assistant Chargeman.
44. Head Time Keeper.
45. Sub-Overseer.
46. Maistry.
47. Assistant Water Inspector.
48. Assistant Wagon Foreman.

ACCOUNTS DEPARTMENT:

49. Senior Clerk.
50. Senior Shroff.
51. Assistant Stock Verifier.
52. Stenographer, 1st Grade.

SECRETARY'S DEPARTMENT:

53. Senior Clerk.
54. Stenographer.

2. Out of the matters specified in the Schedule, there arises two demands (1) that the employees of the Bombay Port Trust belonging to the categories in the Annexure 'A' should be paid overtime, if any, for the period from 15th March 1951 to December 1954 at double the ordinary rate of wages like other employees; and (2) what arrears of wages on account of overtime, if any, are due to the shore workers of the Port Department for the period from 15th March 1951 to March 1954. Under the terms of Reference both these demands are to be judged having regard, among other things, to considerations of equity and merit and/or the provisions of the Minimum Wages Act and the rules thereunder.

3. The demand No. 1 is made in respect of certain employees of the Bombay Port Trust belonging to the 54 categories mentioned in the Annexure 'A'. Most of these employees are members of one or the other Union, viz., Transport & Dock Workers' Union; B.P.T. Employees' Union; B.P.T. General Workers' Union and B.P.T. Railwaymen's Union and some of them do not hold membership of any Union. It is an undisputed fact that the said four Unions do represent the different categories of workmen referred to in the Annexure 'A' and the respective statements of claims filed by these Unions on behalf of the workmen who are their members, have therefore, been accepted. At the time of the hearing, however, there has been no appearance on behalf of the B.P.T. Railwaymen's Union and only the three other Unions have participated in the proceedings. The demand No. 2 concerns only the shore workers of the Port Department and the B.P.T. General Workers' Union representing them has filed a statement of claims on their behalf and has submitted their case at the time of the hearing. On behalf of the Bombay Port Trust, the Trustees of the Port of Bombay (referred to hereinafter as the Trustees) have under the signature of their Secretary filed the respective written statements in answer to the statements of claims presented by the different Unions. The relevant portions of the parties' statements on the matters in issue will be referred to as and when necessary in the course of this Award.

4. At the outset may be stated the history of events which gave rise to the dispute forming the subject-matter of this Reference. The Minimum Wages Act which came into force on 15th March 1948, provides for fixing minimum rates of wages in certain employments mentioned in the Schedule thereto and employment under any local authority is one of such employments. In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 of the Minimum Wages Act, the Government of India, Ministry of Labour, by a Notification, dated 7th March 1951, fixed minimum rates of wages payable to certain categories of employees with effect from 15th March 1951, in the Ports of Madras, Bombay and Calcutta and in the Delhi Transport Service. This Notification is published in the Gazette of India, Extraordinary Part II—Section 3, dated March 12, 1951 and so far as the Bombay Port Trust is concerned, it comprised 59 categories of workmen in respect of whom minimum rates of wages were fixed with effect from 15th March 1951. A similar Notification, dated 29th March 1952, in exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (i) of sub-section (1) of section 4 and sub-section (2) of section 5 of the Act, was published in the

Gazette of India, Extraordinary Part II—Section 3, dated March 31, 1952, whereby the Central Government fixed minimum rates of wages payable to 217 categories of workmen employed in different departments in the Port of Bombay and the said minimum rates of wages were directed to take effect from the date of this Notification i.e. 29th March, 1952. It appears that under both these Notifications the minimum rates of wages were laid down for some of the categories of the non-supervisory staff i.e. the staff employed in manual or clerical work under the Bombay Port Trust. In the result of these Notifications, the employees for whom minimum rates of wages were fixed became entitled to all the benefits provided for by the Minimum Wages Act, including the payment of overtime allowance at double the ordinary rate of wages in accordance with the provisions of section 14 of the Act and rule 25 of the Minimum Wages (Central) Rules 1950, with effect from the respective dates, viz., 15th March 1951 and 29th March 1952. Subsequent to the second Notification, some of the Unions contended that all the employees under the Bombay Port Trust coming within the purview of the Minimum Wages Act be granted the benefits of that Act with effect from the earliest date of the first Notification, viz., 15th March 1951 (c.f. Ext. U-4). According to the Trustees case, the Chairman of the Bombay Port Trust in a Note dated 31st July 1953 informed them that he had been advised by the Government that the supervisory staff did not come under the purview of the Minimum Wages Act having regard to the definition of the term "employee" and recommended that all employees who came within the purview of that Act according to the elucidation received by the Government from their Law Ministry and who were thus eligible for the benefits of the Minimum Wages Act should be granted those benefits with effect from 15th March 1951 even though in respect of many of the categories of manual and clerical workers Government had not notified their respective minimum rates of wages. The Trustees by their resolution No. 569, dated 11th August 1953 accepted the said proposal of the Chairman and decided to grant the benefits of the Minimum Wages Act to all categories of manual and clerical workers retrospectively from 15th March 1951 (c.f. Ext. U-21). For this purpose the officers concerned were called upon to prepare a list covering all the eligible staff of the different departments and it is the case of the Trustees that in this connection representations received from the Unions were duly taken into consideration (c.f. Ext. U-18).

5. Later on, a third Notification was published in the Gazette of India, Extraordinary Part II—Section 3, dated 29th December 1954 whereby in exercise of the powers conferred by clause (a) of sub-section (1) section 3, read with section 4 and sub-section (2) of section 5 of the Minimum Wages Act, the Central Government fixed the minimum rates of wages payable to certain classes of employees with effect from the date of its publication viz., 29th December 1954 and these classes of employees specified in the Annexure to the said Notification comprised 177 categories employed in the various departments under the Local authority administering the port of Bombay. The Trustees state that out of the 177 categories of employees in respect of whom respective minimum rates of wages were fixed by the said Notification, dated 29th December 1954, 123 categories belonged to manual or clerical workers. All these 123 categories therefore, had been included in the list referred to above for the purpose of granting the benefits under the Act with retrospective operation from 15th March 1951. The remaining 54 categories of the third Notification however, were excluded from the said list and denied the same benefits under the Act with retrospective effect from the 15th March 1951. This act of the Trustees has given rise to the present dispute and the said 54 categories so excluded are referred to in the annexure 'A'. It is in respect of them that a question arises as to whether they should be paid overtime, if any, for the period from 15th March 1951 to December 1954 at double the ordinary rate of wages like other employees.

6. It was agreed between the parties that we are not called upon to decide in this Reference as to whether the individual workers falling under the various categories in the Annexure 'A' have actually done such overtime work as would entitle them to claim overtime wages. In fact, those who worked overtime have already been paid at the usual rate allowed by the Bombay Port Trust viz., 1½ times the basic wages. But the manual and clerical workers, who were given the aforesaid benefits under the Minimum Wages Act with retrospective effect from 15th March 1951, have been paid the difference on the basis of overtime allowance at double the ordinary rate of wages, whereas the similar claim of the 54 categories in the Annexure 'A' has been denied. The third Notification, dated 29th December 1954 comprised 177 categories and there is no dispute on the point that all these categories in whose case the rates of minimum wages have been fixed under the Minimum Wages Act, are entitled to all the benefits of the Act including overtime wages with effect from 29th December 1954. As stated by the Trustees, all employees in respect of whom minimum rates of wages have been fixed by

Government including employees belonging to supervisory categories now earn overtime in accordance with the provisions of the Minimum Wages Act and the rules framed thereunder. The Trustees, however, having given the benefits under the Act with retrospective effect from 15th March 1951 to all manual and clerical workers inclusive of 123 categories of the third Notification, a question has arisen why the remaining 54 categories of the third Notification should not be extended the same consideration. The main controversy between the parties therefore, is whether these 54 categories should be paid overtime if any, at double the ordinary rate of wages like other employees for the period from 15th March 1951 to December 1954. In the circumstances, what we have to decide is whether these 54 categories are entitled to be treated on par with or like other employees for the purpose of receiving overtime allowance at double the ordinary rate of wages for the period in question having regard, among other things, to considerations of equity and merit and/or the provisions of the Minimum Wages Act and the rules thereunder.

7. Shri Deshmukh appearing for the workers represented by the B.P.T. Employees' Union, contended that the practice followed hitherto by the Bombay Port Trust in allowing overtime at the rate of $1\frac{1}{2}$ times the basic wages is anomalous looking to its adverse and unjust effect on the emoluments of the concerned workers. He pointed out some of the instances where a person, on receiving $1\frac{1}{2}$ times the basic wages by way of overtime allowance for the overtime work done by him, earns less than his normal wages including all the allowances which he would otherwise be entitled to for the work during the normal working hours. The terms of Reference, however, do not warrant a general enquiry into the reasonableness or adequacy of the overtime rate allowed by the Bombay Port Trust and a revision of the existing rate in order to remove the alleged anomalies if any. The first matter specified in the Schedule is limited in its scope and character and it speaks of no general enquiry on the question of overtime rate affecting all the workers. What is there specified is whether the 54 categories referred to in the Annexure 'A' should be paid overtime for a certain period, viz., 15th March 1951 to December 1954 at double the ordinary rate of wages like other employees. What has been urged on behalf of the concerned workmen belonging to the said 54 categories is that if other manual and clerical employees have been given overtime at double the ordinary rate of wages with effect from 15th March 1951, there is no reason why these categories notified in December 1954 should be denied the same benefit with effect from the same date on considerations of equity and merit and/or the provisions of the Minimum Wages Act and the rules thereunder. The dispute has arisen from, and it has obviously therefore to be dealt with in the light of, the circumstances stated above. Our enquiry has thus necessarily to proceed on the line warranted under the terms of Reference and it would not be open to go beyond the same by embarking on any general enquiry on the question of overtime.

8. The main ground which has weighed on the Trustees in declining to extend to the 54 categories mentioned in the Annexure 'A' the same benefit of overtime at double the ordinary rate of wages like other manual and clerical employees for the period in question is that they belong to the supervisory staff. We have, therefore, in the first place to decide whether these 54 categories are really doing supervisory work, inasmuch as all the parties are not agreed on this fact and especially when the Trustees have made a distinction in their case on this ground. So far as the Transport & Dock Workers' Union is concerned, it represents 8 categories, viz., Nos. 16 to 22 and 24 in the annexure 'A' and Shri Khandekar on its behalf conceded that they are doing supervisory work. The B.P.T. Employees' Union represents 6 categories viz., Nos. 41 to 46 in the Annexure 'A' and Shri Deshmukh appearing on their behalf denied the fact that these workers belong to the supervisory staff. In the statement of claims filed by this Union it is alleged that though there is a minor element of supervisory work in the work performed by these categories, it is not true that their duties and responsibilities constitute work of supervisory nature only. The guiding principle in this connection is that we are not to go by mere designation or the salary of the concerned workmen and what is to be seen is the essential nature of the duties performed by them. The Union has adduced no evidence and it is clear from the depositions of the two witnesses examined on behalf of the Bombay Port Trust that these six categories are mainly doing supervisory work. One of the witnesses Shri Osler D'mellow, is the Asstt. Mechanical Superintendent and the other Shri Jayavantil Vanchand Mehta is the Senior Assistant Engineer, General Works and there is no reason why their testimony respectively at Exts. E-5 and E-6 should not be accepted as true. Then the B.P.T. Railwaymen's Union has not appeared at the time of the hearing and in the statement of claims filed by it it has raised several other questions which do not form the subject-matter of the present Reference. On the point of overtime it is there alleged that the

overtime has not been paid to the employees of the B.P.T. Railway even under the Hours of Employment Regulations and they have been asked to work overtime contrary to the Rules prescribed in this behalf; and then the claim for overtime has been made on behalf of the two workmen Shri Brijlal Balaram working as Assistant Wagon Foreman at Reay Road, B.P.T. Railway, Bombay and Shri Gopal Kesarinath Tare, working as Office Boy at Alexandra Dock, B.P.T. Railway, Bombay, respectively from 16th September 1951 to 13th February, 1953 and for the period between 1951 to 1954. In the Annexure 'A' there is no such category of Office Boy at Alexandra Dock and hence we are not required to consider the case of the concerned workman in the present Reference. As regards Brijlal Balaram, Assistant Wagon Foreman, he is one of the categories mentioned in the Annexure 'A' but the Trustees' case is that he is doing supervisory work. In the Union's statement of claims, it has nowhere been specifically urged that this Assistant Wagon Foreman is not doing supervisory work nor the Union has appeared at the time of the hearing to make out any such case by adducing the necessary evidence.

9. Then remain the categories represented by the B.P.T. General Workers' Union. It represents the categories as detailed in para. 3 of its statement of claims, viz. Nos. 10, 11, 12, 13, 25, 26, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 49, 52, 53 and 54 in the Annexure 'A'. In respect of other categories, it is not the case of the Union there that it represents them but at the time of the hearing Shri S. Maitra for this Union asserted that as his Union represents a large majority of the concerned workmen, he proposes to submit the case of the members as also of those who belong to no Union. It is doubtful if he can represent and speak with any authority on behalf of the categories who are not members of his Union and who have not so authorised him under Section 36(1)(c) of the Industrial Disputes Act. In any case, there is no evidence on record to support Shri Maitra's contention that all the categories mentioned in the Annexure 'A' are not doing supervisory work. It appears from the papers on record that the fact of these 54 categories doing supervisory work was never before in dispute and in its statement of claims it has not been the specific plea of this Union that any, and if so, which of the 54 categories are doing non-supervisory work, i.e. manual or clerical. In paragraph 13 of the statement of claims have been summarised the grounds why the Bombay Port Trust is denying the claims of the workmen concerned. But factually these grounds have not been denied while contending that the same are unsustainable having regard to considerations of justice, equity and merit. The Union has, therefore, to stand by its pleadings c.f. in this connection, the observations of the Supreme Court in the case of J. K. Iron & Steel Co., Ltd.,—1958 I L.L.J. p. 227. When questioned at the time of the hearing, Shri Maitra fairly conceded that in the statement of claims they have not denied the fact that these workmen are doing supervisory work or specifically alleged that the essential nature of their work is manual or clerical. He further conceded that in the correspondence which took place between the parties during the course of the dispute, they have nowhere stated that these workmen are doing non-supervisory work, though he tried to make an exception in regard to Nos. 35 and 36 in the Annexure 'A' viz., Chief Signalman, Port Signal Station and Assistant Light Keeper. If we, however, look to Ext. E-4 together with Exts. U-17 and U-20, even in respect of these categories, the Union had accepted the fact that the essential nature of their duties is supervisory. It also appears from the report (Ext. U-13), dated 31st January 1957 of the Chief Labour Commissioner, Government of India, Ministry of Labour & Employment, that the Chairman explained to him that the designation was misleading in certain cases and that they had taken carefully into consideration the nature of the duties attached to each category in deciding whether or not it was supervisory. On the whole, looking to the material on record before us, there is no gainsaying the fact that the 54 categories mentioned in the Annexure 'A' belong to the supervisory staff.

10. The real question next arising for our consideration is whether the Trustees are justified in making a distinction, as they have done, in the case of the 54 categories of the Annexure 'A' simply on the ground that these workmen are doing supervisory work as distinguished from other non-supervisory staff doing manual or clerical work. What the Unions object to is this act of discrimination on the part of the Trustees as against the 54 categories, for which they say there is no justification. They contend that the overtime work is a frequent occurrence in the Port of Bombay and the overtime payment is meant to compensate by way of extra wages, the additional work involving extra strain performed by the concerned workmen outside the normal working hours. In the present case they are all employed by the same employer at the same place for performing the work assigned to them and so far as overtime work is concerned there should be no essential difference in the rate at which the same should be

paid for by way of overtime allowance. The Unions lay emphasis on this aspect of the case that leaving aside the legal considerations whatever they may be, any such act of discrimination in having separate rates of overtime payment for different sets of employees under the same employer is inequitable and leads to discontent and industrial un-rest amongst the workers. The Unions do realise the fact that so far as the three Notifications are concerned, the same came into force on the respective dates prescribed thereunder and legally speaking, it would not be open to the notified workmen to claim any retrospective effect. The position however, is changed when a vast majority of workers, though not so entitled, have been given the benefit from an earliest date of the first Notification, viz., 15th March, 1951 and in such an event, according to the Unions, to exclude only the 54 categories on the ground advanced by the Trustees is neither conducive to industrial peace nor justifiable on considerations of justice, equity and merit.

11. It is an undisputed fact that formerly all the workers were paid alike overtime at the rate of $1\frac{1}{2}$ times the basic wages. When some of the workers were notified under the Minimum Wages Act with a view to fix their minimum rates of wages, even though the relevant Notifications came into force on different dates, the Trustees were good enough to give the benefits of the Act including overtime with effect from an earliest date of the first Notification, viz. 15th March, 1951. This they did in the case of the non-supervisory staff i.e. those doing manual or clerical work, irrespective of the fact whether they were notified under the Minimum Wages Act or not. But an exception has been made only in the case of 54 categories on the ground that they belong to the supervisory staff. The Trustees state that the principle on which they based their decision to give the benefit of the Minimum Wages Act with retrospective effect from 15th March 1951 to all manual and clerical employees was that in respect of employees for all of whom there was a like statutory obligation on the part of the Government to fix minimum wages under the Minimum Wages Act, it would not be proper that in the case of some of them the benefits should commence from an earlier date and for others from a later date merely by reason of the fact that Government in the discharge of its statutory obligation issued Notifications in respect of some of the employees at an earlier date and for others at later date. But according to the Trustees, it is only in respect of the employees doing manual or clerical work that there is a statutory obligation on the part of the Government to fix minimum rates of wages under the Minimum Wages Act and in the case of the supervisory employees, there is no such statutory obligation and it is for the Government in the exercise of its discretionary powers to give them the benefit of the Act. The Trustees thus deny that there is any justification whatsoever for giving the benefits of the Act with retrospective effect to such employees who have been brought by the Government under the provisions of the Act by treating them as employees declared to be as such for the purposes of the Act and in respect of whom there was no statutory obligation on the part of the Government to fix minimum rates of wages. The Trustees accordingly contend that the basis on which they decided to give the benefits of the Minimum Wages Act to all categories of manual or clerical workers from 15th March 1951, has no application to the supervisory employees in respect of whom it is not incumbent on the part of the Government to fix minimum wages under the Minimum Wages Act. The Trustees further state that the basis on which some of the categories of employees had been included in the Notification dated 29th December 1954, was different from the basis on which the employees had been notified under the two previous Notifications. In the said two Notifications the Government had only included employees who came directly within the definition of the word 'employee' as contained in the Minimum Wages Act and in respect of whom there was a statutory obligation on Government to fix minimum rates of wages, whereas in the Notification dated 29th December 1954 Government had included the supervisory categories in respect of whom it was not incumbent on Government under the Act to fix minimum rates of wages, but whom Government had brought under the Act by declaring them to be 'employees' for the purposes of the Act. Lastly, the Trustees add that by voluntarily conferring the benefits of the Minimum Wages Act to all eligible employees with retrospective effect from 15th March, 1951 an aggregate expenditure of Rs. 88.04 lakhs had to be incurred and submit that there is no principle of equity, justice or fairness which requires that the employees belonging to the supervisory categories in respect of whom minimum rates of wages were fixed by Government by a Notification dated 29th December, 1954 in the exercise of its discretionary powers should be granted the benefit of the Act from a date earlier than the date on which Government decided to declare them as employees for the purposes of the Act.

12. The Trustees' understanding seems to be that in the case of all manual or clerical employees, there was a like statutory obligation on the part of the Government to fix minimum wages under the Minimum Wages Act but in the case of supervisory employees who belong to a distinct class, there was no such statutory

obligation on the part of the Government. It may be that at an earlier stage when the Government issued the first two Notifications, the Government may have thought, to start with, to give benefits of the Act only to some of the non-supervisory staff i.e. those doing manual or clerical work. Even under these two Notifications all the workers falling under the categories of the non-supervisory staff were not covered and that is the reason why, as said above, the Trustees by their Resolution No. 569 dated 11th August 1953, decided to give the benefits of the Act including overtime to all of them irrespective of the fact whether they were notified under the Act or not, with retrospective effect from 15th March 1951 i.e. the date of the first Notification. The object under the Act is to provide for fixing the minimum rates of wages in certain employments and not for certain categories of workmen. It is, therefore, for the Government to decide as how to move under the provisions of the Act, especially those embodied in Sections 3, 4 and 5, in prescribing minimum rates of wages payable to workmen in certain employments in order to achieve the object of the Act. There is nothing in the Act to suggest that the statutory obligation on the part of the Government to fix minimum rates of wages is confined only to all manual or clerical workers. Section 3 of the Act lays down that the appropriate Government shall in the manner hereafter provided fix minimum rates of wages payable to employees employed in certain employments there enumerated and in this connection we have to look to the definition of the term 'employee' in Section 2(1) of the Act. It appears that the Trustees attach importance only to that part of the definition of the term employee with which it commences but the definition has to be read as a whole. It is true that the term 'employee' as defined in Section 2(1) of the Act means "any person who is employed for hire or reward to do any work skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed;" but the definition does not rest there. It proceeds further and the term 'employee' includes an outworker in the circumstances there specified and also includes "an employee declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the Union." It would not be correct merely to look to the foregoing part of the definition when it is divided in 3 parts so as to cover (1) those doing manual or clerical work; (2) an outworker as there described and (3) an employee declared to be an employee by the appropriate Government. Sections 3, 4 and 5 of the Act lay down the provisions together with the procedure in the matter of fixing minimum rates of wages payable to employees employed in certain employments without making any distinction between one type of employees from the other, falling within the definition of the term 'employee'. It has to be borne in mind that the term 'employee' or 'workman' has been defined in the various Acts, e.g. Industrial Disputes Act, Factories Act, Industrial Employment (Standing Orders) Act, Minimum Wages Act, Workmen's Compensation Act, etc., to suit the requirements or to further the objects thereof and to meet the exigencies of the time when the particular legislation was enacted. The Industrial Law has been progressive and there is no inherent disability or insuperable difficulty in including the supervisory staff in the term 'employee'. The Industrial Disputes Act, 1947 when first enacted did not cover the supervisory staff in the term 'workman' as there defined in Section 2(s) but now under the Act as amended by Act 36 of 1956, the definition has been enlarged so as to include those employed in a supervisory capacity and drawing wages not in excess of Rs. 500/- per mensem. Again, though the definition of the term 'workman' does not cover 'contract labour' under the Industrial Disputes Act, the term 'employee' in the Bombay Industrial Relations Act (State Act) does cover the same if other conditions laid down in the definition are satisfied.

13. Not only that the Minimum Wages Act makes no distinction as between one type of employees from the other in fixing minimum rates of wages, but even the Government in issuing the third Notification dated 29th December 1954 comprising 177 categories, has made no such distinction. It is not the case here that the 54 categories have been separately notified or declared to be employees under the Act; all the 177 categories clubbed together have been notified for the purposes of fixing minimum rates of wages in the same manner and under the same provisions of the Act. It is not the Trustees' case that they refused to accord the benefits of the Minimum Wages Act with retrospective operation to supervisory categories, *inter alia*, on the plea that it would not be competent to Government to declare the supervisory employees to be employees for the purposes of the Act or on the plea that the employees doing work of a supervisory character could not be said to have been declared to be employees by reason of their inclusion among the class of employees for whom minimum rates of wages have been fixed by the third Notification of the Government. If therefore, 54 categories have been rightly treated as employees under the Act for the purposes of granting benefits thereof and prescribing the minimum rates of wages payable to them, there is no reason why they should be treated differently from those who, in the similar manner have been given the same benefits under the same provisions of the Act. Shri Nariman

for the Bombay Port Trust relying on the observations in the two cases *Shrikisan vs. Dattu*—A.I.R. 1953 Nagpur p. 14 at p. 15 and in *re B. N. Ramakrishna*—A.I.R. 1955 Madras p. 100 at p. 101—argued that equality before the law means that among equals the law should be equal and should be equally administered and that the like should be treated alike. Hence equality before the law does not mean that things which are different shall be treated as though they were the same. These are the cases where the principle of equality before the law as laid down in Article 14 of the Constitution of India has been discussed and this Article in providing for one of the fundamental rights in Chapter III directs that “the State shall not deny to any person equality before the law or the equal protection of the law within the territory of India”. These cases have apparently been decided for a different purpose but even otherwise proceeding on the principle there laid down, it cannot even plausibly be urged in the present case that the manual or clerical workers stand on a higher footing so as to be treated differently from the supervisory staff for the purposes of the benefits under the Minimum Wages Act. So far as the Act and the underlying object thereof are concerned, all the workers falling within the definition of the term ‘employee’ are entitled to the same protection and the same treatment in fixing their respective minimum rates of wages. As already said above, the Act provides for fixing minimum rates of wages in certain employments and the employees in such employments, are those falling under the definition of the term ‘employee’ in section 2(i) of the Act inclusive of the employees declared to be such by the appropriate Government. Even the Trustees as said above do not contend that the supervisory staff could not be so declared or that there was anything wrong in including them amongst the 177 categories comprised in the third Notification. No sooner than all the 177 categories including the 54 categories belonging to the supervisory staff happened to get the benefits of the Act on their minimum rates of wages being prescribed under the third Notification, they all stand on the same footing so far as the furtherance of the object underlying the Act is concerned. In the case of South India Estate Labour Relations Organization vs. the State of Madras and others—1954 I L.L.J. p. 8 at p. 12—the Madras High Court in discussing the difference in scope of the two enactments, viz., the Industrial Disputes Act, 1947, and the Minimum Wages Act, 1948, in the respective spheres in which they operate has expressed the object of the latter Act in the following terms:

“On the other hand the object of Act XI of 1948 (The Minimum Wages Act) is to protect unorganized and dumb labour from being exploited and for achieving that object the Government is to take action *suo motu* and fix wages within the time mentioned in the statute.”

Thus, to say that the statutory obligation on the part of Government to fix minimum rates of wages under the Minimum Wages Act is only in respect of employees doing manual or clerical work and it is not incumbent on the part of the Government to do so in the case of the supervisory staff as it is for the Government in the exercise of its discretionary powers to give them the benefits of the Act or not, is misreading the underlying object of the Act. All the employees as defined under the Act and engaged in certain employments are entitled alike to the same protection under the Act and in order to achieve this object the Government is to take action *suo motu* and fix the minimum rates of wages as required under the Act.

14. Though the Trustees in their written statement, as advised by their counsel, have conceded that it would be competent to the Government to declare employees belonging to the supervisory staff to be employees for the purposes of the Act and fix minimum rates of wages in respect of them, they further say that even this power of the Government is open to challenge as offending against Article 14 of the Constitution. I am unable to see how the principle underlying Article 14 of the Constitution is in any way infringed. If for the purposes of the Minimum Wages Act, as permissible under the definition of the term ‘employee’ in section 2(i), an employee is declared to be an employee by the appropriate Government, the guiding principle for exercising this power of declaration would be whether an employee needs protection under the Act and it is incorrect to argue that the power is so absolute that the Government may declare a person doing supervisory work in one establishment an ‘employee’ and not declare a workman doing precisely the same work in a similar establishment an ‘employee’. If the object underlying the Act as expressed by the Madras High Court in the above-said case is kept in mind, there is no possibility of the Government acting in any arbitrary or absolute manner. When the Government is satisfied that the conditions in which a certain employee is working are such as to justify affording him the protection under the Act, it is perfectly open to the Government to do so, and in the absence of any arbitrary or capricious exercise of power, its action can hardly be questioned. In this connection the Trustees have proceeded all

along on the assumption as if the manual or clerical staff stands on a higher footing as falling directly under the definition so that the Government is under a statutory obligation to fix their minimum rates of wages and for this purpose they have been guided solely by the foregoing part of the definition of the term 'employee' in Section 2(i) of the Act. This part of the definition requires a careful reading and as against the usual manner in which a workman is defined in other Acts meaning any person who is employed for hire or reward, to do any work skilled or unskilled, manual or clerical, there are additional words *viz.*, "in a scheduled employment in respect of which minimum rates of wages have been fixed." Thus it is not enough that a person is doing manual or clerical work and if he does so he directly becomes an employee within the meaning of the Act. In order to fall within the definition of the term 'employee' for the purposes of the Act, he must further be employed in a scheduled employment in respect of which minimum rates of wages have been fixed. Thus he becomes an employee within the meaning of the Act not *ipso facto*, by reason of his merely doing manual or clerical work but further because he is working in a scheduled employment in respect of which minimum rates of wages have been fixed. It is not the case of the Trustees as said above, that before fixing the minimum rates of wages in the case of an employee declared to be an 'employee' by the appropriate Government, the Government should first declare him to be as such by a separate Notification and they have agreed in the present case that when the minimum rates of wages were fixed for all the 177 categories including the 54 categories belonging to the supervisory staff, the said 54 categories should be treated as declared employees within the meaning of Section 2(i) of the Act. There is thus no essential difference as between the manual or clerical employees and the declared employees, inasmuch as they all become employees within the meaning of the Act, when in respect of a scheduled employment where they are employed the minimum rates of wages are fixed in the prescribed manner under the Act. That is exactly why the Government in issuing the third Notification made no distinction as between one category or the other and fixed minimum rates of wages in respect of all the 177 categories there comprised in the same manner and under the same provisions.

15. Shri Nariman for the Bombay Port Trust next argued that even under the Factories Act the supervisory staff is exempted from the benefits of overtime allowance. The provision for extra wages for overtime is made in Section 59 under which a worker working in a factory for more than 9 hours in any day or for more than 48 hours in any week, is entitled to wages at the rate of twice his ordinary rate of wages in respect of overtime work. The term "worker" is defined in Section 2(1) of the Act meaning "a person employed directly or through any agency, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process." Then Section 64 empowers the State Government to make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and further lays down that the provisions of this Chapter (*i.e.* Chapter VI), other than the provisions of clause (b) of sub-section (1) of Section 66 and of the proviso to that sub-section shall not apply to any person so defined. These provisions hold good in a case falling under the Factories Act and it is difficult to understand how the same have any application to a case governed by the provisions of the Minimum Wages Act. There are no such provisions in the Minimum Wages Act, and it is not even the case of the Trustees that the 54 categories now concerned as belonging to the supervisory staff, are entitled to no overtime allowance. Admittedly, they do now receive overtime allowance at double the ordinary rate of wages with effect from the date the third Notification and the only dispute between the parties is regarding the retrospective effect for the period from 15th March 1951 to December 1954.

16. It is contended on the Trustees' behalf that there is no principle of law or of equity which requires that the benefits of any labour legislation should be conferred on employees from a date earlier than the date prescribed in that behalf by the Legislature in such enactment. It is true that strictly speaking under law the concerned employees of the three Notifications became entitled to the benefits of the Act from the respective dates on which the same came into force, *i.e.* 15th March, 1951, 29th March, 1952 and 29th December, 1954. The Unions, however, claim retrospective effect on other considerations of justice, equity and merit, inasmuch as all the non-supervisory staff *i.e.* those doing manual or clerical work have been given retrospective benefit of overtime allowance with effect from 15th March, 1951 irrespective of the dates of the Notifications. It has been shown above, how there is much force in the contentions raised by the Unions and in my opinion, the Trustees have been distinguishing the case of the supervisory staff

without any real ground for distinction. Any such act of discrimination is likely to lead to industrial unrest and is not conducive to industrial peace and the matter arising before us is not to be judged strictly on legal considerations. It may well be argued in a Civil Court that simply because the employer has chosen to give retrospective benefit *suo motu* and *ex gratia* to certain employees, he stands under no legal obligation to do likewise in the case of other employees. The position under industrial law before an adjudicator in a reference under the Industrial Disputes Act is however different and the matter in dispute has to be judged on different considerations. The Federal Court of India in the case of Western India Automobile Association vs. the Industrial Tribunal, Bombay (1951 Bombay Law Reporter p.894) has laid down in unmistakable terms that an Industrial Tribunal is not fettered by limitations of ordinary law and its function is not merely to interpret the terms of contract of employment between an employer and employee. Their Lordships observed "Adjudication does not, in our opinion, mean adjudication according to the strict law of master and servant. The award of the Tribunal may contain provisions for settlement of a dispute which no Court could order if it was bound by ordinary law, but the Tribunal is not fettered in any way by these limitations". Their Lordships citing a passage in Volume I of 'Labour Disputes and Collective Bargaining' by Ludwig Teller p. 536 have further observed: "In our opinion it is a true statement about the functions of an Industrial Tribunal in labour disputes" and the said passage is as follows:—

".....industrial arbitration may involve the extension of an existing agreement or the making of a new one, or in general the creation of new obligation or modification of old ones, while commercial arbitration generally concerns itself with interpretation of existing obligations and disputes relating to existing agreements."

In the case of Budge Budge Municipality—1953, 1 L.L.J. p. 195 while holding that the limited concept of what an industry meant in early times must now yield place to an enormously wider concept so as to take in various forms of industry so that the disputes arising in connection with them might be settled quickly without much dislocation and disorganisation of the needs of society and in a manner more adapted to conciliation and settlement than a determination of the rights and disabilities according to strict legal procedure and principles, the Supreme Court of India laid down that the conflicts between capital and labour have now to be determined more from the standpoint of status than of contract. Their Lordships felt that "without such an approach, the numerous problems that now arise for solution in the shape of industrial dispute cannot be tackled satisfactorily and this is why every civilised Government has thought of the machinery of conciliation officers, boards and tribunals for the effective settlement of disputes". Reference may also be made to the decision of the Madras High Court in the case of East India Industries (Madras) Ltd.,—1954 II L.L.J. p. 418—where while upholding the power of an Industrial Tribunal directing reinstatement of an employee, it has been stated that this power could not be challenged on the ground of its being repugnant to Article 19(1)(f) of the Constitution as the power of reinstatement would be a reasonable restriction where the same is ordered not in the interest of the workman but in the interests of industrial peace and general progress of industry which is synonymous with public interest and in this connection have been quoted the remarks of Mahajan J. as he then was in Western India Automobile Association vs. Industrial Tribunal, Bombay (1949 F.C.R. 321 at 331-332).

17. In the circumstances discussed above, it would be in the fitness of things if the Trustees extend the same considerations to 54 categories and treat them like other employees in the payment of overtime, if any, at double the ordinary rate of wages for the period from 15th March, 1951 to December 1954. This act on their part is called for in the interests of industrial peace and harmonious relations between the parties by putting an end to any discrimination as between one set of workers and the other, and I direct accordingly.

18. The second demand is with respect to arrears of wages on account of overtime, if any, for the period from 15th March to March, 1954, in the case of the shore workers of the Port Department. It appears that the Trustees by their Resolution No. 429 dated 21st August 1945, fixed the working hours of the shore crews of the Alexandra and Prince's and Victoria Docks as 8 A.M. to 6 P.M. with one hour's recess for meals. It was further decided by the Trustees under this Resolution that any work done beyond the said prescribed working hours was to be considered as overtime and to be paid for at 1½ times the basic wage. Thereafter, in March, 1946, the shore crews along with other categories of Port Department resorted to a sit-down strike, their grievance being that the actual period of

overtime work done by them was not being correctly recorded. It was thereupon decided by way of a settlement of this dispute that the crews should be allowed a fixed overtime allowance for 4 hours every day. This arrangement continued in the case of the shore workers of the Alexandra Dock till 31st July 1953. Then the Trustees by their Resolution No. 466 dated 30th June, 1953, decided that with effect from 1st August, 1953, the shore crew at the Alexandra Dock should work in 2 shifts, from 12 noon to 12 Mid-night and 12 Mid-night to 12 Noon respectively. But before the said arrangement of 2 shifts working in the Alexandra Dock should be put into operation, the Minimum Wages Act came to be applied to the shore crews and therefore the Dock Masters in the Alexandra Dock were instructed under the orders of the Chairman of the Bombay Port Trust to give them 2 hours off so that each shift would consist of 8 hours' duty, 2 hours' recess and 2 hours' overtime. It was with this modification that the 2 shift system for the Alexandra Dock was put into effect from 1st August 1953. Similarly by their Resolution No. 951 of 1953 dated 15th December, 1953, the Trustees introduced 2 shift system of work for the Prince's and Victoria Docks also under which it was provided that there should be an interval of 2 hours of rest during each shift. The actual working hours per shift would thus be 10 and on that basis it was agreed that every employee should be entitled to overtime allowance for 2 hours every day.

19. Thus according to the Trustees' case just stated above, prior to the introduction of 2 shift system, the workmen used to be paid a fixed 4 hours' overtime every day, whether or not they might be called for duty outside the prescribed working hours, with the result that they received payment on the basis of 13 hours of attendance on duty inclusive of 4 hours constituting the agreed estimate of overtime work. It is an undisputed fact that on the implementation of the Minimum Wages Act with effect from 15th March, 1951, the workers were paid the difference between the overtime already paid to them and 4 hours' overtime calculated at double the normal rate of wages inclusive of all allowances as required under the Act. What the Union on behalf of the concerned workmen now alleges is that the overtime work of the shore crews at the Docks has remained to be a continuous phenomenon; and therefore the shore workers who were working in a single shift at the Alexandra Dock upto the introduction of two shift system, and the shore crews of the Prince's and Victoria Docks who were working in a single shift upto the introduction of two shift system, under the aforesaid Resolutions of the Trustees respectively dated 30th June, 1953, and 15th December, 1953, have demanded that they be paid overtime for the entire period of 24 hours of duty. As regards the position since after the introduction of the 2 shift system, the Union on behalf of the shore crews of the Alexandra Dock and Prince's and Victoria Docks denies that the aforesaid two hours' recess had ever been given to them and it is alleged that they had to work all the 12 hours so as to give rise to a dispute under which they claimed overtime on the basis of 12 hours working. The Union makes a grievance that the Port Trust authority while determining the question of payment of overtime looks to the amount of money involved rather than the considerations of equity, justice and merit.

20. Under the demand No. 2, therefore, we have to decide whether and what arrears of wages on account of overtime if any, are due to the shore workers of the Port Department for the period from 15th March, 1951, to March 1954 having regard among other things, to considerations of equity and merit and/or the provisions of the Minimum Wages Act and the Rules thereunder. In view of the facts stated above, the questions arising for our consideration are (1) whether the overtime payment should be on the basis of the 24 hours' working prior to the introduction of the 2 shift system under the aforesaid two Resolutions of the Trustees respectively dated 30th June, 1953, and 15th December, 1953; and (2) whether since after the introduction of the 2 shift system, the workers were deprived of the 2 hours of recess so as to entitle them to claim overtime on the basis of 12 hours' working.

21. It may be noted that under an agreement dated 19th October, 1954, between the parties, certain demands were referred to the private arbitration of Shri N. S. Lokur, ex-Judge of the High Court of Bombay (c.f. Ext. U-27). One of these demands was 'Payment of arrears of overtime to (i) Shore crew of the Alexandra Dock, (ii) Signalling Staff of the SPV 'Kennery' and (iii) staff who have performed 'Pori Duty'. The statements filed by the Bombay Port Trust and by the Union on behalf of the concerned workmen before Shri Lokur on this point may be seen respectively beginning at page 4 of Exts. E-10 and E-9. Shri Lokur gave his award dated 29th December, 1954, the extract Ext. U-28 from which relates to payment of

arrears of overtime. It is there observed:—"On behalf of the Trustees, it was urged by their learned counsel that this claim was time-barred under the proviso to section 20(2) of the Minimum Wages Act, 1948. After the arguments were advanced on both the sides, the Chairman Shri Gholap, appeared before me and announced that if the claim be tenable, he would not refuse payment on any such technical ground. I quite appreciate the graceful gesture shown by him, but considering all the circumstances and the evidence on record, I find that the claim is not tenable and it should be rejected." Thus the claim of arrears of overtime which formed the subject matter in dispute before Shri Lokur stood rejected under his award. Shri Maitra for the Union argued that this award should in no way be a bar to the present claim of the workers, inasmuch as no evidence was recorded by Shri Lokur and moreover the said award was binding on the parties only for one year from the date thereof under the terms of the agreement whereby the matter in dispute was referred to the private arbitration of Shri Lokur. In my opinion, when the learned Judge of the eminence of Shri Lokur states in terms in the award that the claim is unsustainable in view of all the circumstances and the evidence on record, it is too much to say that there was no evidence before him on which he could base his finding. Besides, the point with which we are now concerned relates to the payment of past arrears of overtime and if on this point Shri Lokur has held against the workmen concerned, it is difficult to understand how the dispute can be revived on the expiration of one year's period from the date of the award. There was no question here in respect of any long term arrangement affecting the workers' wages or other service conditions so that after a period of one year the matter might be reopened or reviewed. If once it is decided that no arrears are due, the whole controversy is set at rest and the matter has to be deemed as fully and finally settled. The said agreement to refer the dispute to the private arbitration of Shri Lokur contained amongst others, demands like supply of free uniforms, revision of grades and scales of pay, payment of allowances etc., and naturally therefore, in clause 3 of the agreement a general provision has been made that the award of the arbitrator shall be binding on the parties for a period of one year so that the matters could be reconsidered in the light of subsequent change of circumstances if any and/or any other adequate ground.

22. The Trustees have contended in their written statement that the question of overtime allowance to shore workers having been directly and substantially in issue in the aforesaid arbitration proceedings and having been decided by a competent Tribunal, the Union is now precluded from reagitating the same dispute. Shri Nariman for the Bombay Port Trust also argued that the Union is further precluded from raising any other point affecting the arrears of overtime payment which could and should have been raised before the private arbitrator. Although the rule of *res judicata* as embodied in Section 11 of the Code of Civil Procedure, cannot in terms apply to industrial disputes, the recognition of the doctrine of finality of a judgment between the same parties or under whom any of them claim cannot be ruled out, if the matter directly and substantially raised and adjudicated upon in the previous proceedings be directly and substantially in issue in the subsequent proceedings. The rule of *res judicata* is not merely a rule of technicality. It is a rule of general application based upon the principle of public policy and is meant to prevent multiplicity of proceedings and to save the parties from being vexed twice over for the same cause. The rule of *res judicata* must therefore apply to awards given in respect of industrial disputes when the facts and circumstances existing at the time of the prior award continue to remain the same. If the matter in dispute has once been directly raised before an industrial court of competent jurisdiction and adjudicated upon fairly and finally without fraud or collusion, the adjudication must be held to be binding on the parties or their privies, when the same question is directly and substantially raised in the subsequent proceedings—*vide* Mazdoor Union Sugar Factory, Biswan *vs.* The Seksaria Biswas Sugar Factory Ltd.,—1954 L.A.C. 242 and the earlier decisions there distinguished or referred to. Obviously, the matter in dispute before Shri Lokur has been fairly and finally adjudicated upon by him and there are no facts and circumstances before us other than those existing at the time of the prior award. Thus I am of the opinion that the doctrine of *res judicata* does apply to the extent to which the matter in dispute has already been decided under the previous award. It, however, cannot apply to any other question which could or should have been raised before the private arbitrator as urged by Shri Nariman. Inasmuch as the provisions of Section 11 of the Code of Civil Procedure do not in terms apply to industrial disputes.

23 Even if we examine the present demand on merits, there appears to be no case for arrears of wages on account of overtime. Taking up first the question

relating to the loss of 2 hours' recess, we find that in the previous arbitration proceedings before Shri Lokur, it was not the plea of the Union that the workmen were altogether deprived of the rest interval and had to work all the 12 hours. In the statement of claims then filed (*vide* paragraph 14 of Ext. E-9), it has been conceded that the view point of the Union has been appropriately summarised in the following extract of the conciliation proceedings:—

"Shri Kale pointed out that the Union had never contended that the men were required to put in continuous work for all the twelve hours in each shift. The Union's case was that the rest period of two hours was not specified as required under the Minimum Wages Act and that no record was maintained by the Port Trust as regards the periods of rest given to the men from day today. The fact that they were not given any work for certain hours during each shift was not by itself sufficient to prove that they were given a specified rest interval in due fulfilment of the provisions of the law. The Port Trust could have changed the rest period from day today or could even have split the period into two instalments of one hour each. It is not the Union's complaint that the men were over-worked; technically in law they were not granted the recess for 2 hours and they were, therefore, entitled to payment of overtime".

In the said statement of claims, the Union further went on to state in paragraph 15: "The Chairman contended that 'it was not necessary to inform the men individually on each day about the period of recess' and that 'the Syrang told them to go away at a particular time, whenever there was no work and accordingly they had enjoyed the recess period during each shift'. This contention obviously does not meet the situation. Owing to the fluctuating nature of the docking and undocking work, the Union had, no doubt, agreed, that the men might be given recess period according to the convenience of the work. Nevertheless, it was necessary that the men in every shift every day were told that during particular hour or hours they were to enjoy their recess and that for having done so official record maintained as required under the Act. This could have been done easily. The programme of every day's work is drawn up on the previous day and the same is circularised." The Union then goes on to say that "they could have easily stated in such programmes when the men were supposed to get their recess. But this was not done nor any record for having done so maintained. Hence the men become clearly eligible for the grant of overtime for the additional period of two hours". These statements themselves are enough to indicate how the claim for additional overtime of 2 hours' recess is made on a mere technical ground. It has never been before the case of the Union that the concerned workmen had enjoyed no recess period and in fact it was being given according to convenience as agreed to by the Union. Thus it is incorrect to say that the 2 hours recess had never been given to the workmen as now alleged by the Union and in my opinion, no such technical ground is helpful in upholding the additional claim for overtime on the basis of 12 hours' working. The Trustees in their written statement say and it looks more probable that the Deputy Conservator having instructed the Dock Master to see that the crews should be given 2 hours off in each shift, the latter in his turn gave instructions to the Syrang of the shore crew to ensure that the crew in each shift had at least two hours' recess every day. Moreover, the case of the trustees is that during the relevant period there was hardly normal work exceeding 6 to 7 hours in each shift and invariably the workmen enjoyed several hours of free time during each shift. It has further been pointed out by the Trustees that when there was a proposal for introducing 3 shift system of work for the Head Office crews of the Port Department, the Union in a note submitted by it along with its letter dated 11th March 1955, expressed "the definite opinion that the existing system of 12 hours working including two hours recess and overtime for two hours is the best for both the sides....."

24. As regards the claim for overtime on the basis of 24 hours of attendance, that too seems to be untenable and is merely based on the technical ground of the workmen's liability to be called out for duty at any time during the day and not on the basis of actual hours of work. Though the question of overtime allowance to shore workers had been raised by the Union in the year 1954 and there was private arbitration of Shri Lokur in the matter under the aforesaid agreement dated 19th October 1954, this demand for overtime allowance to workmen on the basis of their having been on duty for all the 24 hours of the day was not then advanced nor did constitute the subject matter of the said arbitration. This omission on the part of the Union indicates that the claim is now forthcoming as an after-thought, when actually made as per demand No. 36 along with the Union's letter dated 3rd March 1955. In the statement of claims it has not been

made clear as to what exactly were the excess hours during which the concerned workmen worked overtime. In the absence of any special case requiring special consideration and so also in the absence of any cogent and definite evidence to establish the exact period of overtime work, it looks on the face of it untenable as well as unreasonable that the workmen should be paid overtime as if they were performing duties for all the 24 hours of the day during the relevant period. Shri Maitra for the Union referred to the item c in the Chief Accountant's note dated 29th July, 1953, in Ext. U-29 but the decision then taken and as now referred to in Paragraph 28 of the Trustees' written statement, indicates that they did give special consideration to special cases but they never accepted the claim that all the workers should be paid overtime on the basis of 24 hours of work simply because they were liable to be called out for duty at any time of the day. The case of the pilots in respect of whom the Union has produced Ext. U-35, an extract from the Report of the Ports Marine Services Enquiry Committee 1955, also stands on a special footing. The said Committee was appointed to enquire into and report on the conditions of work of categories of personnel employed in the Ports of Calcutta and Bombay as detailed in the Schedule, to make recommendations generally and with special reference to the following matters:—

- (a) Scales of pay,
- (b) Allowances and fees,
- (c) Medical facilities,
- (d) System of turns, hours of work, periods of rest and weekly day off,
- (e) Adequacy or otherwise of the strength of the existing cadres and the basis on which they should be fixed,
- (f) Desirability of adoption of an interim scheme of remuneration for abnormal work as a result of shortages in existing cadres.

On behalf of the Pilots it was represented before the Committee amongst other things that they have to be virtually on duty all the 24 hours and taking all the factors into account, the Committee made certain recommendations regarding their pay scales, weekly off, casual leave, etc. This has nothing to do with the question now before us, *viz.*, past arrears of wages due, if any, to the shore workers for the period from 15th March 1951 to March 1954.

25. When in March 1946 the shore-crews along with other categories of Port Department resorted to a sit-down strike, on the ground of their alleged grievance that the actual period of overtime work done by them was not being correctly recorded, the dispute was settled with an understanding that the crews should be allowed a fixed overtime allowance for four hours every day. Thus prior to the introduction of 2 shift system under the aforesaid Resolutions of the Trustees, the workmen used to be paid a fixed 4 hours overtime every day on the basis of 13 hours of attendance on duty inclusive of 4 hours of the agreed estimate of overtime work, and the payment was accordingly being made whether or not the workmen might be called for duty outside their prescribed working hours. The Trustees' case is that even during the said period of 13 hours inclusive of the 4 hours overtime, there were long spells of idleness due to the nature of work of docking and undocking of the vessels and most of the period of attendance consisted of merely stand-by duty without having to perform any actual work. As the crews were liable to be called out for duty at any time, they were provided with free dormitory accommodation in Alexandra Dock and they were also in receipt of house-rent allowance in addition to free quarters, though all other employees in occupation of the Trustees' quarters enjoyed no such benefit of house-rent allowance. The Union has produced the excerpts from the proceedings of a Meeting of the Trustees held on the various occasions and Shri Maitra on its behalf tried to place reliance on some portions or sentences in the same here and there. It may be noted that the Port Trust is a vast Organisation having to deal with number of workmen employed in different departments. Before the Trustees arrive at any decision in matters concerning the workers, in the usual routine manner the notes and/or the reports of the Officers in-charge are placed before them, legal advice wherever necessary is taken, in the discussion at the meeting the individual members express their opinions and finally in the result a Resolution is made on taking all the factors into account. It would not be correct to look at the proceedings from the angle of any individual

views expressed by a particular officer or member but the matter has to be judged on perusal of the proceedings as a whole as to how it has ultimately been handled or dealt with under the relevant Resolutions of the Trustees. The papers on record do point out one fact that the Trustees never recognised this stand-by duty as actual work for the purposes of overtime and consistently declined the claim for overtime made on any such basis. The view taken by them can best be reproduced in the words of the Chairman's Note, dated 22nd December 1955 in Ext. U-31:

"Demand No. 1.—Full payment of arrears of overtime wages under the Minimum Wages Act to the shore crews of Alexandra and Prince's & Victoria Docks for the overtime worked by them for the period from March 1951 during which there was one shift working system.

The shore crews in the Alexandra Dock have been working two shifts with effect from the 1st August 1953 and those in the Princess & Victoria Docks with effect from about the 10th March 1954. Prior to these dates the crews were liable to be called at any time of the day or night, in consideration for which they were paid four hours commuted overtime per day at $1\frac{1}{2}$ time their basic wage rate, in addition of course, to their normal wage. On the implementation of the Minimum Wages Act with effect from the 15th March 1951, they were paid the difference between the overtime already paid to them and four hours' overtime calculated at double the rate of pay and allowances, as required under the Act.

The contention of the Union is that during the period from the 15th March 1951 upto the date of the introduction of the two shift system, the shore crews should be paid overtime for 16 hours a day, as against 4 hours already paid, in other words, they want 5 days' pay and allowances for each day's work. When the Trustees decided to pay 4 hours overtime at Minimum Wages Act rates in 1953, they were fully aware of the position. Much of the work of the Port Department is dependent upon the tides and is conditioned by such other factors as the weather, round-the-clock arrivals and departures of ocean-going vessels and the intricate docking, undocking and tonnage operations. The work is predominantly of an intermittent nature; because of this the men involved were put on a single watch and were liable to be called out at any time of the day or night. These calls were of course, spasmodic. In view of these conditions they were provided with free dormitory accommodation and yet permitted to draw full house-rent allowances, where otherwise admissible. They were also provided with Bhandaris or Cooks at Port Trust cost and were paid overtime at Port Trust rates for a commuted period of 4 hours, raised in 1953 to Minimum Wages Act rates with retrospective effect. The demand now is for 16 hours overtime, although the Union had accepted the Trustees decision at the time.

The demand is preposterous and cannot but be rejected."

26. In the result, I am not satisfied that any arrears of wages on account of overtime are due to the shore workers of the Port Department for the period from 15th March 1951 to March 1954 and the claim therefore stands rejected.

P. D. VYAS, Judge,
Central Government Industrial Tribunal,
Nagpur, at Bombay.

The 28th November, 1957.

[No. F. LR-3(28)/57.]

A. L. HANDA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi-2, the 18th December 1957

R.O. 4147.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled "Something of Value" and its trailer issued by Metro Goldwyn Mayer, U.S.A. shall be deemed to be uncertified in the whole of India.

[No. 8/8/57-FC.]

D. R. KHANNA, Under Secy.

